

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 22<sup>nd</sup> October, 2008

**CONTEMPT PETITION NO. 50/2008**  
**IN**  
**ORIGINATION APPLICATION NO. 490/2002**

**CORAM:**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Bhagwan Shai Mali son of Shri Narain Mali by caste Mali, aged about 30 years, resident of Plot No. 46, Govind Watika, Lachchman Doongri, Delhi-bi-Pass, Jaipur. Presently working as Group 'D' Casual Labour in the office of the Chief Commissioner Customs and Central Excise Jaipur.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. Shri Rajesh Dingra, Chief Commissioner, Customs and Central Excise, Jaipur.

.....RESPONDENT

By Advocates : (Mr. Hemant Mathur)

**ORDER (ORAL)**

The applicant has filed this Contempt Petition for the alleged violation of the order dated 21.12.2004 passed in OA No. 490/2002 whereby this Tribunal directed the respondents to engage the applicant in case applicants are willing and they present themselves for working on the posts they were engaged initially and had worked on such posts also for some time. It was further observed that if need arises, it will be open for the respondents to dispense with the services

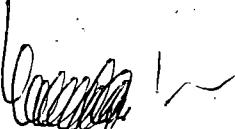
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of the fresh appointees as replacement of the applicants with fresh appointees is illegal.

2. Notice of this Contempt Petition was given to the respondents. The respondents have filed their reply. In the reply, the respondents have stated that in terms of the Ministry of Finance, Department of Revenue, Central Board of Excise and Customs, New Delhi vide its Memorandum dated 10.03.2004, direction was issued that engagement of persons on daily wages stands banned and HOD cannot exercise their delegated powers in that regard. It is further stated that in terms of such directions all part time workers were disengaged and contingency work was done through the contractor with effect from 01.01.2005. Thus according to the respondents, there is no work available in the office of the answering respondents and no person has been deployed w.e.f. 01.01.2005. Thus the applicant cannot be engaged.

3. In view of what has been stated above, we are of the view that it is not a case where contempt proceedings can be initiated against the respondents. According the Contempt Petition is disposed of. Notice issued to the respondent is hereby discharged. It is, however, clarified that in case the applicant wants to re-agitate the matter on merit to the effect that work is available with the respondents, it will be open for him to file substantive OA.

  
(B.L. KHATRI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

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