

**Central Administrative Tribunal
Principal Bench**

CP No.398/2015 in OA No.910/2015

New Delhi, this the 9th day of December, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)**

1. Prem Pal Singh Tomar, (Aged about 54 years)
S/o late Sh. Gulshargar Singh
R/o 77-A/1, Railway Colony, Wazirpur, Delhi-52
Working as Sr. Section Engineer/Const/Works/ N.
Railway, Shivaji Bridge
Under Dy. Chief Engineer/Const/Works/
N. Railway, Shivaji Bridge.
2. R.S. Ujlayan, (Aged about 53 years)
S/o Sh. Ram Shran
R/o 10/A-1, Railway Colony, Wazirpur, Delhi-52
Working as Sr. Section Engineer/Const/Works/
N.Railway, Tilak Bridge, New Delhi
Under Dy. Chief Engineer/Const/Works/
N. Railway, Tilak Bridge.
3. Ravi Kant, (Aged about 48 years)
S/o late Sh. Mohan Lal
R/o 83/C-1, Railway Colony, Tughlakabad, New Delhi
Working as Sr. Section Engineer/Const/Works/
N.Railway, Shakur Basti, Delhi
Under Dy. Chief Engineer/Const/Works/
N. Railway, Shakur Basti, Delhi.
4. S.K. Gaur, (Aged about 52 years)
S/o Sh. Jagdish Parsad
R/o 32-A, Gali No.4, Purana Arya Nagar, Ghaziabad
Working as Sr. Section Engineer/Const/Works/
N.Railway, Shivaji Bridge, New Delhi
Under Dy. Chief Engineer/Const/Works/
N. Railway, Shivaji Bridge, New Delhi.
5. P.K. Sharma, (Aged about 54 years)
S/o Sh. Bhagwan Swaroop Sharma
R/o 53/3, Railway Colony, Subji Mandi, Delhi
Working as Sr. Section Engineer/Const/Works/
N.Railway, Tilak Bridge, New Delhi

Under Dy. Chief Engineer/Const/Works/
N. Railway, Tilak Bridge, New Delhi.Applicants

(By Advocate : Shri P.S. Khare)

versus

1. A K Puthia, General Manager
Northern Railway,
Baroda House, New Delhi.
2. Shri B D Garg
Chief Administrative Office/Construction
Northern Railway, Kashmere Gate
Delhi.Respondents

(By Advocates: Shri V.S.R. Krishna, Shri Shailender Tiwari
and Shri Navneet Patil for Shri Satpal Singh)

ORDER (ORAL)

Justice Permod Kohli, Chairman :-

Vide judgment dated 09.03.2015 passed in OA No.
910/2015 following directions were issued:-

"8. In view of the above submissions, we dispose of this OA at the admission stage itself with a direction to the Respondents to examine the case of the Applicants in the light of the aforesaid judgments and if their cases are covered by them, they shall also be extended the same benefits and pass appropriate order under intimation to them. The Respondents shall comply with the aforesaid directions within a period of two months from the date of receipt of a certified copy of this Order."

2. Reference to the judgment made in the aforesaid order
is to the following directions issued in OA No.4523/2013-

Shri Sanatan Vs. Union of India and Ors., decided on 01.05.2014:-

"4. In view of the above position, this OA is allowed and the impugned order dated 02.01.2013 is quashed and set aside. Consequently, we direct the respondents to count the entire 100% temporary status casual service and 50% of casual service of the applicant as qualifying service for the purpose of granting the benefits under MACP, pensionary benefits etc. The respondents shall also pass appropriate orders implementing the aforesaid directions within a period of two months from the date of receipt of a copy of this order. There shall be no orders to costs."

3. The Writ Petition No.7538/2015 filed against the order of this Tribunal has been dismissed by the Hon'ble High Court of Delhi vide judgment dated 18.01.2016 passed in bunch of Writ Petitions.

4. Compliance affidavit has been filed by the respondents. Shri V.S.R. Krishna, learned counsel appearing on behalf of the respondents submits that they are in the process of filing SLP before the Hon'ble Supreme Court. He further submits that the order of this Tribunal has been fully complied with by granting 100% temporary status casual service and 50% of casual service of the applicants to be counted as a qualifying service for the purpose of pensionary benefits subject to the outcome of the SLP proposed to be filed.

5. Under similar circumstances, this Tribunal disposed of a bunch of Contempt Petitions being CP No.786/2015 in OA No.2550/2015 and other connected matters, vide order dated 08.12.2016 with the following directions:-

"3. We have examined the orders passed by the respondents granting pensionary benefits pursuant to the directions of this court except MACP. Substantially, the judgments have been complied with. MACP issue is either pending before the Hon'ble Supreme Court in SLPs or before the Delhi High Court in Writ Petitions. Therefore, to that extent we do not want to make any observation in the present Contempt Proceedings. The contempt proceedings are dropped in view of the substantial compliance of the directions of this Tribunal with liberty to the applicants to file fresh contempt petitions in the event the entire judgment survives in the SLPs/Writ Petitions. Notices issued to the alleged contemnors are discharged."

6. This Contempt Petition is accordingly disposed of in terms of the aforesaid order. Notices issued to the alleged contemnors are discharged.

(Shekhar Agarwal)
Member(A)

(Justice Permod Kohli)
Chairman

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