

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
**CONTEMPT PETITION NO.060/00170/2017 IN
ORIGINAL APPLICATION NO.060/00427/2016**

Chandigarh, this the 3rd day of October, 2018

...
**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. AJANATA DAYALAN, MEMBER (A)**

...
Gurdeep Singh, aged 40 years, s/o Shri Nachattar Singh, resident
of Village Naraingarh Chhana, District Fategarh Sahib, Punjab.

....Petitioner

(Present: Mr. A.S. Syan, Advocate)

Versus

1. Arvind Modi, Secretary to Ministry of Finance, Department of Income Tax, North Block, Delhi.
2. R. Bhama, Commissioner Income Tax, Leela Bhawan, Patiala.

..... Respondents

(Present: Mr. K.K. Thakur, Advocate)

**ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)**

1. The present CP has been filed alleging non-compliance of the order dated 07.07.2017 passed by this Court in O.A. No. 060/00427/2016.
2. Learned counsel for the respondents submitted that in terms of directions contained in order dated 07.07.2017 of this Court and the order dated 20.03.2014 of the Hon'ble High Court in CWP NO. 2216-CAT-2007, the respondents have considered the claim of the petitioner for regularization, in view of communication dated 05.03.2010 and rejected the claim, by passing a speaking and reasoned order dated 23.11.2017, on the ground that applicant was not in service on 10.04.2006, the cut-off date declared by the respondents, in furtherance of the Hon'ble Supreme Court's order in the case of **State of Karnatka Vs. Uma Devi**, AIR 2006 SC

1806. He further submitted that the services of the petitioner were dispensed with w.e.f. 05.10.2005 and that order has not been upset by any Court of law till date. The order dispensing with the services of the petitioner was upheld by this Court and the order of this Court was never set aside by the Hon'ble High Court in CWP filed there against, rather it was disposed of with a direction to the respondents to consider the claim of the petitioner for regularization in view of the office order dated 05.03.2010 regarding regularization of other employees in the department. Therefore, the respondents, in compliance of the aforementioned directions by the Court of law, considered and rejected the claim of the petitioner, and thus, there is no case for CP is made out and the same be dismissed as such.

3. Learned counsel for the petitioner, on the other hand, argued that since the petitioner has already rendered 10 years of service before 05.10.2005, when his services have been dispensed with, therefore, he is entitled to be regularized and rejection of his claim is violation of order of this Court.

4. After hearing learned counsel for the parties and going through the pleadings on record, we find force in the argument raised by the learned counsel for the respondents that those employees, who were working with the respondents as on 10.04.2006, the cut-off date, fixed in furtherance of the order of the Hon'ble Supreme Court in the case of Uma Devi (supra), have been regularized and the petitioner does not fall in that category because his services stood terminated w.e.f. 05.03.2005 and he was no more an employee of the respondents as

on 10.04.2006, the cut-off date, therefore, he could not be regularized, in accordance with law and the relevant Scheme.

5. In view of the above, we are of the view that no case for contempt is made out as there is no disobedience of the order of this Court by the respondents. However, we refrain ourselves from recording any observations, lest it could prejudice the right of the petitioner, if he chooses to challenge the order in Court of Law. Accordingly, the CP is dismissed and notices stand discharged. Pending MA, if any, stands disposed of accordingly.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 03.10.2018

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