

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP No. 207/2005
OA No.2747/2003

New Delhi, this the 11th November, 2005

Hon'ble Mr.M.P.Singh, Vice-Chairman (A)
Hon'ble Mr.Mukesh Kumar Gupta, Member (J)

1. Sh Amar Nath, S/o Sh. Bishamber Nath
 2. Sh Narendra P. Singh, S/o Sh. Raja Ram Singh
 3. Sh Shiv Raj Singh, S/o Sh. Shiv Charan Singh
 4. Sh Ram Nihor, S/o Sh. Surya Narayan Singh
 5. Sh Mata Prasad, S/o Sh. Ram Phal
 6. Sh Ramesh Chand, S/o Sh. Duni Chand
 7. Sh Ganpat, S/o Sh. Tirath Raj
 8. Sh Kedar Nath, S/o Sh. Ram Dev
 9. Sh Piare Lal, S/o Sh. Kashi Ram
 10. Sh Shanker Singh, S/o Sh. Chiokut Singh
 11. Sh Shyam Lal, S/o Sh. Bhagboo
 12. Sh Rajender Rai, S/o Sh. Ram Narain Rai
 13. Sh Lal Shaib Singh, S/o Sh. Raja Ram
 14. Sh Ram Bharosey, S/o Sh. Moti Ram
 15. Sh Umesh Chand Tiwari, S/o Sh. Srinath Tiwari
 16. Sh Bhim Singh, S/o Sh. Muni Ram
 17. Sh Ram Sumer, S/o Sh. Ram Jus
 18. Sh Beeru, S/o Sh. Raj Nawal
 19. Sh Rakesh Malik, S/o Sh. Sri Ram
 20. Sh Chotte Lal Singh, S/o Sh. Raja Ram Singh
 21. Sh Ram Lakhan, S/o Sh. Bhagawati
 22. Sh Sobh Nath, S/o Sh. Ram Piarey
 23. Sh Ram Sumer, S/o Sh Srinath
- (All working as Mali under Section Engineer N.R. Hazrat Nizamuddin)
24. Sarjoo Prasad, S/o Sh. Bhagwat
 25. Kamal Singh, S/o Sh. Ranjeet Singh
- (Both working as Mali under section N.R., New Delhi)
- ...Petitioners.

(By Advocate: Shri D.S.Mahendru)

Versus

Union of India through

1. Shri R.S.Jaurhar
General Manager
Northern Railway
Baroda House
New Delhi.
2. Shri Dr. B.K.Goel
Divisional Railway Manager
State Entry Road

Northern Railway
New Delhi.
(By Advocate: Shri Narain Bhatia)

...Respondents.

ORDER(ORAL)

By Mr. Mukesh Kumar Gupta, Member (J):

Vide order dated 22.12.2004 this Tribunal had disposed of OA No. 2747/2003 & issued the following directions:-

“9. In consideration of the above, I am, therefore, inclined to partly allow this OA with a direction to the respondents that they verify the claims of the applicants in regard to their having rendered 120 days of required service earlier than the dates on which they were appointed on regular basis with reference to their records, service cards, service books etc. and to see whether they became eligible for regular appointment on dates prior to the dates on which they were finally appointed on regular basis. If on such verification, it is found that the applicants had completed 120 days of service prior to the said dates and had thus become eligible for regular appointment earlier, the respondents shall consider giving them the benefits of regular appointment from the date on which they had completed 120 days of service and had fulfilled the other conditions for regularization of their service keeping in view the scheme on the subject and also the decisions of this Tribunal and the Hon'ble High Court/Supreme as referred to above and in the orders of this Tribunal as cited in OA 2623/2003. The respondents shall also grant a personal audience to the applicants so as to elicit any further necessary information on the subject from them so as to resolve the matter in the light of the above directions at the earliest, in any case, within a period of three months from the date of receipt of a copy of this order. No costs.”

2. By the present contempt petition, it is alleged that the respondents have deliberately and willfully flouted the aforesaid directions of the Tribunal.

3. On an earlier occasion, the Tribunal had passed an order dated 7.2.2005 in CP No.291/2004 in OA 134/2004 Shri Sham Lal & Ors. G.M. & Ors. respondents were directed to take a decision and reconsider the claim of the applicants in the light of the observations made in the case of Amar Nath (supra).

4. It is contended by Shri Narain Bhatia, learned counsel for the respondents that pursuant to order dated 7.10.2005, of this Tribunal in present CP, the respondents have passed a detailed order dated 9.11.2005 and completed the

exercise of considering the applications' claim once again in terms of the order of the Tribunal, as noticed hereinabove, a copy which was made available. Learned counsel contended that with the passing of order dated 9.11.2005, the respondents have required the applicants to supply certain information, material & documents to do the complete exercise once again and as such directions issued by this Tribunal stands complied with.

5. On the other hand, learned counsel for the applicants contended that there is no compliance inasmuch as the respondents virtually refused to carry out the directions to verify their claims with regard to their having rendered 120 days of required service earlier than the dates on which they were appointed on regular basis with reference to their records.

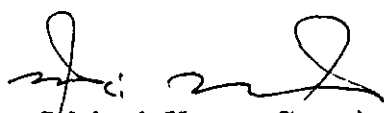
6. We have heard the parties and carefully gone through the order dated 9.11.2005 passed by the respondents vis-à-vis the aforesaid directions. In the said order dated 9.11.2005, we find that the respondents have maintained that the production of materials and records are necessary to verify the genuineness of their claim as the applicants had filed OA after a lapse of 25-30 years so as to rule out the possibility of fraudulent claims, where issue of payment of arrears is involved & it will have financial implications on the government exchequer. By the said order also the applicants are once again requested to submit an affidavit clearly stating their dates, places and the authority at the time of their engagement and also the dates on which they completed 120 days of continuous service. These details, in our view, are necessary & condition precedent to examine the facts as stated by the applicants particularly when in para-2 of the Tribunal's order dated 22.12.2004, it had observed that the applicants who were initially appointed as casual workers/Mali in the 1970s and claimed to have completed 120 days of

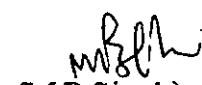
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service on different dates beginning from 1973 to 1980 & instituted their claim for the first time in the year 2003, by filing the aforesaid OA.

7. We find substance and justification that these facts & other details, as required by respondents are necessary to determine the claim laid by the applicants. In the contempt proceedings, we cannot go into these disputed aspects particularly when the respondents are yet to verify the facts, which would involve financial implication. It is necessary for the parties concerned to place all documents on record to dispel the doubt of fraudulent claim as huge financial implication is expected.

8. Accordingly we do not find any willful disobedience on the part of the respondents in passing the order dated 9.11.2005. The applicants, if they so wish, may submit necessary particulars to the respondents as required vide the aforesaid communication dated 9.11.2005 within the prescribed time limit or within the extended period, as may be further prescribed by the respondents. Accordingly, contempt petition is dismissed and notices are discharged.


(Mukesh Kumar Gupta)
Member (J)


(M.P. Singh)
Vice-Chairman (A)

/kdr/