

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

CP 366/2003 in
OA 2131/2003

New Delhi this the 8th day of December, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Shardha Nand,
S/O Suraj Bhan,
R/O Vill. and P.O. Kangan Hari,
New Delhi-110071

..Petitioner

(By Advocate Shri M.K. Bhardwaj)

VERSUS

Union of India and Ors

1. Dr. S. Narayan,
Finance Secretary,
Ministry of Finance, North Block,
New Delhi.

2. Vineeta Rani,
Revenue Secretary,
Ministry of Finance, North Block,
New Delhi.

.. Respondents

(By Advocate Shri V.P. Uppal)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

This Contempt Petition has been filed in which certain allegations have been made by the petitioner/applicant No.1 in OA 2131/2003, including averments in Paragraph 5. The respondents have submitted that since all these six persons had been engaged on daily wage basis on the same date for performing the work of a purely casual nature, there was no question of ⁸² ~~they~~ being junior or senior. These submissions have been reiterated by Shri V.P.Uppal, learned counsel for the respondents. The respondents have also stated that the petitioner did not attend office on 18.9.2003, i.e., the date when the

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final oral order of the Tribunal in OA was passed. The petitioner, who is present in Court, and is identified by Shri M.K.Bhardwaj, learned counsel, submits that he was indeed present in the Tribunal on 18.9.2003 for a few hours and thereafter, he attended the office. In the circumstances of the case, we find that the averment made by the respondents is in order, namely, that the petitioner did not attend the office on 18.9.2003 at the prescribed time which he ought to have done. However, with regard to the other averments of the petitioner, we do not find the explanation given by the respondents satisfactory, namely that they have disengaged all the daily wagers in a phased manner in October, 2003 but without even specifying the actual dates when it was done. We also note the submissions of Shri V.P.Uppal, learned counsel that there are no casual labourers engaged by the Department after October, 2003. In the circumstances, the respondents cannot be held to have totally disobeyed Tribunal's orders.

2. In this view of the matter, CP is dismissed with the direction that the respondents shall make payment to the applicant as a daily wager from 19.9.2003, if he reported for duty that day, till the date any one of the six persons mentioned in paragraph 5 of the CP was allowed to continue to work as a daily wager in the month of October, 2003. Notices to alleged contemnors discharged. File to be consigned to the record room.

V.K.Majotra
(V.K.Majotra)
Vice Chairman (A)

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Vice Chairman (J)