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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CP NO. 431/2004
OA NO.598/2003

New Delhi this the 28th February, 2005

**HON'BLE SHRI JUSTICE M.A.KHAN, VICE-CHAIRMAN(J)
HON'BLE SHRI S.A.SINGH, MEMBER(A)**

Shri Som Nath
S/o Shri Mam Raj
Ex. Casual Labour under P.W.I. (Constrn.)
Northern Railway, Saharanpur.Applicant.
(By Advocate: Shri B.S.Mainee)

Versus

1. Shri R.R.Jaruhar
General Manager, Northern Railway,
Baroda House, New Delhi.
2. Shri V.K.Kaul & Chief Administrative Officer (Constrn.)
Northern Railway, Kashmeri Gate,
Delhi.
3. Shri Sant Singh & Executive Engineer (Construction)
Northern Railway, Saharanpur.Respondents.
(By Advocate: Shri R.L.Dhawan)

ORDER (ORAL)

By Shri Justice M.A.Khan, Vice-Chairman(J):

Vide order 13.1.2004 in OA 598/2003 this Tribunal has passed the following
orders:

“However, considering the fact that it is a settled law that Casual Labourers once engaged by the respondents should continue to figure on the Live Casual Labour Register so that their services could be utilized by re-engaging them if need for their services arises, in preference to engaging fresh hands, this OA is partly allowed with the direction to the respondents to look into the matter afresh and to see that the name of the applicant is included in the Live Casual Labour Register if he makes a request in this regard separately to the respondents and fulfils the requisite conditions for such inclusion. No cost.”

2. Present applicant has been filed complaining that the above-said order has been deliberately disobeyed by the respondents and they have illegally rejected the representation filed by the applicant. It is submitted that the rejection order is contrary to the law laid down by the Full Bench of this Tribunal. Applicant also pleaded that the ground on which the rejection order has been passed ^{was raised} in the OA and it was not found

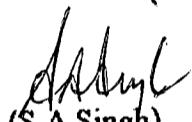
to be set aside

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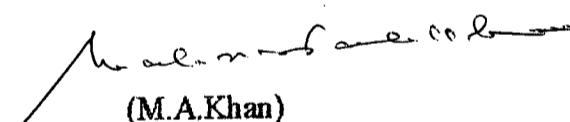
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favour with the Tribunal and the rejection order on the same ground is nothing but willful disregard to the order of this Tribunal. We have been taken through the order of this Tribunal. We do not find that any disobedience of the order has been done by the respondents. The operative portion of the order indicated that the direction of the Tribunal was that name of the applicant should be included in the Live Casual Register if he made a request in this regard separately to the respondents and fulfil the requisite conditions for such inclusion. Respondents have considered and rejected the representation of the applicant vide order dated 20.8.2004. If the rejection order is illegal it is open to the applicant to challenge the order in appropriate proceedings. It gives a fresh cause of action. The Tribunal will not be able to examine its validity or illegality in a contempt petition.

3. In the totality of the facts and circumstances of the case, we do not find that the respondents have committed any contempt of this Tribunal, which is punishable under the Contempt of Courts Act. Accordingly, the Contempt Petition is dismissed and notices discharged.


(S.A.Singh)

Member (A)


(M.A.Khan)

Vice-Chairman(J)

/kdr/