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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

**C.P. NO.111/2006
in
O.A. NO.1062/2001**

This the 11th day of May, 2006.

**HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE SHRI MUKESH KUMAR GUPTA, MEMBER (J)**

Shri Shakti Trivedi,
B-25, Gulmohar Park,
New Delhi-110049. Applicant

(By Shri S. C. Luthra, Advocate)

versus

Dr. Mangla Rai,
Director General,
Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi. Respondent

(By Shri B. S. Mor, Advocate)

ORDER (ORAL)

Hon'ble Shri V.K.Majotra, Vice-Chairman (A):

OA No.1062/2001 was allowed vide order dated 26.9.2002 with the following observations/directions:

“8. In the result, we allow this OA and we hold that the impugned order dated 4.1.90 is bad in law and deserves to be set aside. We do so accordingly. With this, the order dated 26.3.99 rejecting the representation of the applicant is also quashed and set aside.

9. But for the order dated 4.1.90, applicant ought to have retired from service w.e.f. 31.1.96 on attaining the age of superannuation, his date of birth being 5.1.1936. The respondent is, therefore, directed to treat the applicant in service upto 31.1.1996 and grant him all consequential benefits including arrears of pay and allowances & retiral benefits.”

2. Respondent in the OA filed WP(C) No.2494/2003 against the

Tribunal's aforesaid orders in the Hon'ble High Court. It was dismissed in

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default on 7.3.2005. The writ petition was restored by the Hon'ble High Court subject to payment of Rs.500/- as cost. As respondents failed to pay the cost, on 3.1.2006 it was dismissed again. Respondent in the OA again approached the Hon'ble High Court for restoration of the writ petition, which request is stated to have been rejected. Thus, it has been averred in the C.P. that respondent in the OA has intentionally and wilfully not complied with the Tribunal's directions despite dismissal of the writ petition twice over.

3. The learned counsel of applicant also took exception to the counter reply filed on behalf of respondent by its Legal Adviser stating that he is not competent to file the same.

5. The learned counsel of applicant further stated that although the writ petition has been restored, the High Court has not restored the interim stay orders against Tribunal's orders.

6. The learned counsel of respondent, on the other hand, stated that respondent was imposed cost of Rs.500/- and Rs.5,000/- for restoration of the writ petition on two occasions. Respondent has enclosed a copy of the receipt dated 5.4.2006 of the learned counsel of applicant herein for a sum of Rs.5,500/- as cost. The learned counsel contended that as such the writ petition stands restored and is now listed on 18.9.2006 for hearing.

7. The learned counsel of respondent further contended that on restoration of the writ petition, the original stay order dated 15.7.2003 against the orders of the Tribunal also stands revived and is still in operation.

8. In regard to applicant's contention that counter reply has not been signed by a competent authority, learned counsel of respondent stated that it has been signed by a duly authorized competent authority.



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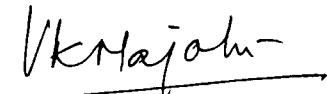
9. We have perused the counter affidavit of respondent carefully. Shri B. N. P. Pathak, Legal Adviser, who is of the status of a Director, has solemnly affirmed that he is competent to file the counter affidavit/reply on behalf of respondent. He has also verified the contents of the affidavit as true and correct to his knowledge and as per official records. We do not find any infirmity in this counter affidavit/reply.

10. As to whether restoration of writ petition would imply restoration of High Court's stay order against Tribunal's order, we are in agreement with the learned counsel of respondent in view of the settled position of law that on restoration of the writ petition, the order dated 15.7.2003 staying Tribunal's orders dated 26.9.2002 would stand revived and would be in operation.

11. Having regard to the above discussion, we do not find any wilful and intentional disobedience of Tribunal's directions. As such, the contempt petition is dismissed and notice to respondent is discharged.



(Mukesh Kumar Gupta)
Member (J)



(V. K. Majotra) 11.5.06
Vice-Chairman (A)

/as/