

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P.NO. 137/2002 IN
O.A.NO.3331/2001

TUESDAY, THIS THE 17TH DAY OF SEPTEMBER, 2002

HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Suresh Kumar
s/o Shri Roop Chand
resident of 33/6, Akbar Road
New Delhi

...Applicant

(By Advocates: Shri B.D.Chouby and Shri Sanikar N.Sinha)

Versus

1. Lt. Cdr. Shri Anil Rathore
Directorate of Manpower Planning &
Recruitment (Publicity Section)
Room No.32 'A' Wing
Sena Bhawan, New Delhi-11
2. Shri Om Prakash
Petty Officer
Directorate of Manpower Planning &
Recruitment (Publicity Section)
Room No.32 'A' Wing
Sena Bhawan, New Delhi-11

...Respondents

(By Advocate: Shri A.K.Bhardwaj)

O R D E R (ORAL)

Shri S.A.T. Rizvi:

Heard.

2. Alleged non-compliance of the order of this Tribunal dated 14.12.2001 forms the basis of the present Contempt Petition. By the said order, the respondents were directed not to terminate the services of the petitioner till the next date. 30.1.2002 was fixed as the next date. On that date, namely, on 30.1.2002, the aforesaid interim order was continued by the Tribunal till the next date of hearing. When the case came up for hearing again on 12.2.2002, the aforesaid interim relief was once again continued till 18.2.2002. On 18.2.2002, again the aforesaid interim order was continued till the

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next date of hearing, namely, 22.2.2002. The order passed by this Tribunal on 22.2.2002 makes no mention of the aforesaid interim order. The learned counsel appearing on behalf of the respondents in the present CP argues that since the Tribunal has not made any mention of the aforesaid interim order in its order passed on 22.2.2002, it has to be presumed that the aforesaid interim order finally lapsed on 22.2.2002. According to him, there is no force in the argument advanced on behalf of the petitioner that when nothing specific is mentioned in an order passed by this Tribunal about the continuance or otherwise of an interim order, it should be presumed that the interim order continues. He, accordingly, prays for dismissal of the present CP on the aforesaid ground and additionally on the ground that in any case the petitioner has failed to make out any case of contumacious or wilful disobedience of the orders passed by this Tribunal in regard to continuance or otherwise of the aforesaid interim order.

3. We have heard the learned counsel for the petitioner. We are not prepared to accept the view that until the jurisdiction matter gets settled one way or the other, the aforesaid interim order should be deemed to have been continued. The orders of this Tribunal, we find, are specific and clear. If the Tribunal had intended that the aforesaid interim orders should be continued, it could always pass a clear order to that effect. From the brief discussion outlined by us in the above paragraph, on the other hand, we find that the Tribunal was very clear on the point of continuance of

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the aforesaid interim order. The order in question did not have to be continued after 22.2.2002. This is beyond any manner of doubt and, therefore, we cannot accept the plea advanced by the learned counsel for the petitioner.

4. In the light of the foregoing, the present CP fails and is dismissed. Notices issued to the respondents are discharged.

S. Raju
(Shanker Raju)
Member (J)

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S. A. T. Rizvi
(S.A.T. Rizvi)
Member (A)