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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 697/2001
in
OA 2680/2001

New Delhi this the 10th day of July, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).
Hon'ble Shri M.P. Singh, Member(A).

Mohinder Kumar & Ors.

.... Petitioners.

(By Advocate Shri George Paracken)

Versus

A. Radhakrishnan,
Group Captain,
Station Commander,
25, Wing Air Force Unit,
Rajokari,
New Delhi.

.... Respondent.

(By Advocate Shri K.C.D. Gangwani, senior counsel with Shri Pradeep Dahiya)

O R D E R (ORAL)

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

The alleged contemner Group Captain A. Radhakrishnan, is present in the court in pursuance of our previous order dated 9.5.2002. The alleged contemner has also filed an additional affidavit dated 2.7.2002 which we have seen. Para 2 of this affidavit reads as follows:

"I submit that the applicant had not made out any case for grant of any relief. They had tried to get orders from Hon'ble Tribunal for continuing beyond contractual period. Hon'ble Tribunal did not find any merit in their case and dismissed the O.A".

2. The above quoted paragraph appears to convey the impression that the Tribunal's interim orders passed on 15.10.2001 which have been continued from time to time till

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the final orders were passed on 20.3.2002 were not quite correct because by the final order, the O.A. had been dismissed on merits. Shri K.C.D. Gangwani, learned senior counsel, has submitted that this paragraph is only by way of background of the facts and explanation. He has very fervently submitted that this should be read along with unconditional apology which has been tendered by the Group Captain for his inadvertent act of omission to comply with the Tribunal's order to maintain status quo of the petitioners. This interim order was initially upto 29.10.2001 and later continued. The alleged contemner Group Captain A. Radhakrishnan has submitted in open court today that he was misled about the interim orders passed by the Tribunal by his subordinate officers who were alone in touch with Ms. Harvinder Oberoi, learned counsel, and the file had been put up to him as per the contractual papers on which he acted and terminated the services of the petitioners w.e.f. 31.10.2001. He does not, however, specifically deny the fact that the Tribunal's order had been issued on 15.10.2001 to maintain status quo which was served on the respondents.

3. Shri George Parackan, learned counsel for the petitioners, has submitted that the apology tendered by the respondent should not be accepted in the facts of the case, as the respondents were fully aware of the interim orders passed by the Tribunal which they have clearly flouted. He has also submitted that para 2 of the additional affidavit, quoted in para 1 above, also shows that the respondent

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displays a contumacious attitude towards the orders of the Tribunal and he was in no mood to accept the same and only followed the contractual papers.

4. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties as well as the alleged contemner Group Captain A. Radhakrishnan.

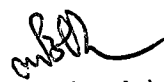
5. Shri K.C.D. Gangwani, learned senior counsel during the arguments has fairly submitted that it was perhaps unnecessary for him to have included para 2 in the additional affidavit but he has stressed on the fact that the alleged contemner has tendered unqualified apology. The alleged contemner has also tried to explain the fact as to how he has been misled, while passing the orders of termination of the petitioners w.e.f. 31.10.2001 while the interim order of the Tribunal was continuing upto to 3.12.2001 and thereafter. It will be a matter for the respondents to fix responsibility on the concerned officers in accordance with the rules and regulations to avoid such mistakes/omissions in future because there is no doubt at all that the orders of the Courts/Tribunal have to be fully complied with, unless they stand modified by a higher court. In the peculiar facts and circumstances of the case, we are inclined to accept the unqualified apology of the alleged contemner Group Captain A. Radhakrishnan and hope that in future he will be more careful.

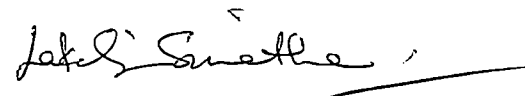
6. From the facts and circumstances mentioned above, it is clear that till the final disposal of O.A.2680/2001 by order dated 20.3.2002, interim orders

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passed by the Tribunal had continued. In the circumstances of the case, we are unable to agree with the contentions of Shri K.C.D. Gangwani, learned ^{Sr.} counsel that atleast till the final orders were passed by the Tribunal on 20.3.2002, no wages are payable to the petitioners because no services were rendered by them as Laskars. In the circumstances of the case, as the status quo order had continued till that date, we direct the respondents to pay the petitioners wages as Laskars till 20.3.2002 at the same rate as they were paid previously till 31.10.2001. This shall be done within two weeks from the date of receipt of a copy of this order.

6. CP 697/2001 is accordingly disposed of. Notices to the alleged contemner are discharged.


(M.P. Singh)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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