

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

CP 476/2000

in

OA 45/1997

MA 156/2003

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New Delhi, this the 21st day of January, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)  
Hon'ble Sh. Govindan S.Tampi, Member (A)

1. Anshul Sharma  
S/o Sh. G.P.Sharma  
R/o 1455, Gali Thatheran  
Kachhi Sarak  
Mathura (U.P.).
2. Shruti Khanna  
D/o Sh. J.P.Khanna  
R/o Dampier Nagar  
Mathura, UP.
3. Sanjay Saraswath  
S/o Sh. V.K.Saraswath  
R/o 16, Krishan Vihar  
Radha Nagar  
Mathura (U.P.).
4. Manish Srivastava  
S/o Sh. Vishwanath  
R/o Mohini Kunj  
Dampier Nagar  
Mathura, (U.P.).  
(None present)

...Petitioners

V E R S U S

1. Sh. Y.N.Chaturvedi  
Secretary  
Ministry of Information & Broadcasting  
Shastri Bhawan, New Delhi.
2. Sh. Rajiv Ratan Shah  
Director General  
All India Radio, New CEO  
(now Prasar Bharti Broadcasting Corpn.)  
Parliament Street  
New Delhi.
3. Sh. D.S.Vimal  
Station Director, All India Radio  
(now Prasar Bharti Broadcasting Corpn.)  
Mathura, U.P.

...Respondents

(By Advocate Sh. M.K.Bhardwaj,  
Id. proxy counsel for Sh. A.K.Bhardwaj)

O R D E R (ORAL)

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

Heard Sh. M.K.Bhardwaj, Id. proxy counsel  
for the applicants in MA 156/2003, and respondents in  
CP 476/2000.

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2. In this MA they have submitted that Tribunal's order dated 29-5-2000 in OA 45/97 had been appealed <sup>against B.</sup> in the Hon'ble High Court in CWP 319/2001. Together with this OA, a number of other applications had also been dealt with by the Hon'ble High Court in CWP 319/2001 in the order dated 13-2-2002. In that order, the following has been held :-

"In any event, as noticed hereinbefore, in the instant case, the scheme of regularization has no application at all. Neither this Court nor the Tribunal can direct the respondents to frame a scheme of regularization. Such direction, as has been discussed hereinbefore, would be contrary to the provisions contained in Article 309 of the Constitution. It is trite that the Court cannot issue a direction, which would be contrary to law as also the Constitution.

We are, therefore, of the opinion that the impugned judgment of the Tribunal cannot be sustained, which is set aside accordingly.

These writ petitions are allowed. However, having regard to the facts and circumstances of these cases, there shall be no order as to costs."

3. CP 476/2000 has been filed by the applicants in OA 45/97. By Tribunal's order dated 17-1-2002, CP was adjourned sine die with liberty to either of the parties to revive the same after Hon'ble High Court had passed its order, noting also the fact that the WP had been filed against the Tribunal's order by the respondents.

4. In MA 156/2003, Union of India/respondents in OA have submitted that in view of the Hon'ble High Court's order dated 13-2-2002 reversing the Tribunal's order and directions in OA 45/97, the present contempt petition has become infructuous.

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5. They have accordingly prayed that CP 476/2000 may be dismissed with further orders as deemed fit in the circumstances of the case.

6. Noting the above facts and circumstances and also the submissions made by the ld. proxy counsel for the applicants in MA 156/2003 and particularly order of the Hon'ble High Court dated 13-2-2002, we agree that CP 476/2000 no longer survives.

7. In the circumstances, we do not consider it necessary to issue notice on MA. The same is allowed. Accordingly CP 476/2000 is dismissed. Notices to the alleged contemnors are discharged. File be consigned to the Record Room.

8. Let a copy of this order be issued to both the parties.

(Govindan S. Tampi)  
Member (A)

/vksn/

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