

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 105/2002

OA 87/2000

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New Delhi this the 1st day of October, 2002

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

Hon'ble Shri Govindan S. Tampi, Member (A)

1. Shri J.K. Gohri
2. Shri N.K. Bhandari
3. Shri Tansen
4. Shri Ramkishan
5. Shri R.L. Sachdeva
6. Shri S.C. Sharma
7. Smt. Sarojini Gurnani
8. Smt. Santosh Chopra
9. Sh. M.D. Dahiya
10. Shri Joginder Singh
11. Shri S.K. Roy
12. Shri Kaushal Kumar Bhola
13. Shri R.C. Jain

(All working as Technical Assistants
'C' (TA-C) in the office of Solidstate
Physics Laboratory, Defence Research
and Development Organisation, Ministry
of Defence, Lucknow Road, Timarpur,
Delhi-54)

.. petitioners

(By Advocate Shri G.D. Bhandari)

VERSUS

1. Shri Yogendra Narain,
Secretary, Ministry of Defence,
Govt. of India, South Block,
New Delhi.
2. Dr. V.K. Aatre,
Scientific Adviser to Minister
of Defence and Director General
Research & Development, Ministry
of Defence (DRDO), South Block,
New Delhi-110011

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3. Dr. Vikram Kumar,
Director, Solidstate
Physics Laboratory,
Ministry of Defence,
(DRDO), Lucknow Road,
Delhi-54
3. Major Gen. T. Ravindranath,
AVSM, VSM, Director Institute
of Nuclear Medicines and
allied Sciences (INMAS),
Ministry of Defence (DRDO),
Lucknow Road, Timarpur,
Delhi-54.

.. Respondents

(By Advocate Shri S.M. Arif)

O R D E R (ORAL)

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

We are informed that RA 39/2002 referred to in the order dated 1.3.2002 has since been disposed of by Tribunal's order dated 3.9.2002.

2. Heard both the learned counsel in Cp 105/2002.

3. His contention is that after the Tribunal's order was delivered on 19.9.2001 in OA 87/2000, the same has not been implemented ⁱⁿ accordance with law and it is now more than one year since the order was passed on 19.9.2001. Hence, the learned counsel has submitted that the respondents have committed contempt of the Tribunal's order.

4. On the other hand, Shri S.M. Arif, learned counsel has submitted that in the meantime they have filed RA against the aforesaid Tribunal's order (RA 39/2002 with MA for condonation of delay) on 28.1.2002 which has only been disposed of by the Tribunal's order dated 3.9.2002. In addition, he has submitted that a similar case which was earlier decided by the Tribunal (Bangalore Bench) had been challenged in Writ Petition before the Hon'ble

Karnataka High Court which has set aside the Tribunal's order and allowed the Writ Petition. He further submits that against this order, the petitioners in those cases originally before the Tribunal (Bangalore Bench) have filed a SLP before the Apex Court which is sub-judice. Shri G.D.Bhandari, learned counsel, however, submits that since there is no stay operating against the present order of the Tribunal dated 19.9.2001 and as one year has elapsed, the respondents have committed contempt of the Tribunal's order.

5. We have carefully considered the pleadings and the submissions of the learned counsel for the parties. We are unable to agree with the contentions of Shri G.D. Bhandari, learned counsel that at present there is any contumacious or wilful disobedience of the Tribunal's order dated 19.9.2001. The intervening order in RA 39/2002 by the same Bench dated 3.9.2002 cannot be ignored, taking into account the facts and circumstances of the case. It is also relevant to note that in the order passed by the Tribunal dated 19.9.2001, no time had been fixed for implementation of the order and generally the respondents could have taken six months to do so.

6. Therefore, taking into account the aforesaid Tribunal's order dated 19.9.2001 read with the order dated 3.9.2002, we consider that CP 105/2002 is pre-mature at this stage. Accordingly, CP 105/2002 is disposed of leaving it open to the petitioners to proceed in the matter as advised in accordance with law.

(Govindan S. Tampi)
Member (A)

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)