

(58)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

CCP 379/92

in
OA 952/86.

Date of decision: January 15, 1993.

SCIENTIFIC WORKERS ASSOCIATION (REGD) PETITIONER .

Vs .

SHRI N.N.VCHRA, IAS,
SECRETARY,
DEPARTMENT OF DEFENCE,
MINISTRY OF DEFENCE,
NEW DELHI .

...

RESPONDENT .

CORAM :

HON'BLE MR. JUSTICE V.S.MALIMATH, CHAIRMAN .

HON'BLE MR. S.R.ADIGE, MEMBER (A) .

For the petitioner ...

Shri R.P.Oberoi,
counsel .

For the respondent ...

Mrs.Raj Kumari
Chopra, counsel .

ORDER (ORAL)


(By Mr. Justice V.S. Malimath, Chairman) .

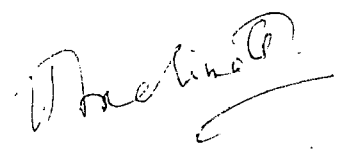
When this matter came up on the last occasion, the respondent counsel produced the order of the Supreme Court made in I.A. No.2 in C.A. No.3954/90, allowing the interim application for ex parte stay. The petitioner having taken the stand/ that there is nothing to clarify as to what matter the stay granted by the Supreme Court relates, the matter was adjourned to enable both the parties to file appropriate affidavits in support of their respective stands. That is how the matter stands posted today. Whereas the counsel for the respondent has not been able to file an affidavit, the counsel for the petitioner filed an affidavit today. So far as the petitioner's affidavit is concerned, it is not of any assistance to us to understand as to what proceedings have been stayed by the

Supreme Court by order dated 18.12.1992 produced by the respondent. ^{is}
All that the petitioner's counsel is able to say that they are
not served with the order and they are not aware as to what
proceedings have been stayed by the Supreme Court. Hence the
affidavit filed by the petitioner does not help us to understand
as to what has been stayed by the Supreme Court. So far respondent
is concerned, he would have been well advised to file an affidavit
as stated in the earlier order passed by the Tribunal on the
last occasion. The counsel for the respondent, however, submitted
that it is not necessary to file an affidavit to satisfy the
Tribunal as to the ^{operation of the} judgment which has been stayed by the Supreme
Court as she can convince us on the basis of the material that
she has about the matter, which has been stayed by the Supreme
Court. Hence we permitted ourselves examination of the papers
which the respondent's counsel produced in support of her case
that it is ^{the} operation of the judgment passed in OA 952/86 that
has been stayed by the Supreme Court. The counsel for the
respondent placed for our perusal ^a copy of the Interim Application
No.2 of 1992 filed in CA No.3954 of 1990 to show us the
prayers made in the said application. The first prayer is for
grant of ad-interim ex parte stay of the operation of the
order of the Central Administrative Tribunal, Principal Bench,
New Delhi, dated 10.4.1990 in Review Application No.30 of 1990
and also the implementation of the order dated 10.8.1989 in
OA No.952 of 1986 passed by the Central Administrative Tribunal,
Principal Bench, New Delhi. There is no reason for us to doubt
the correctness of the statement made by the counsel for the
respondent that this is a prayer made in Interim Application on
which the Supreme Court granted stay on 18.12.1992. As the

Supreme Court stated that Interim Application for ex parte stay is allowed, it means that interim order of stay is granted in their favour as prayed for by them. As we are satisfied that the prayer for stay was not only in respect of the R.A. No.30 of 1990 of the Tribunal but also for stay of the operation of the judgment in OA 952/86, no further examination on this question is called for, nor filing an appropriate affidavit in regard to these aspects is necessary. As we are satisfied on the material placed before us by the counsel for the respondent that the Supreme Court has stayed the operation of the judgment in OA 952/86, we are bound to respect the order of the Supreme Court. As the operation of the judgment of the Tribunal has been stayed, it will not be proper for us to proceed to take further action in this C.C.P. which has been initiated for enforcing the judgment of the Tribunal in O.A. 952/86.

2. For the reasons stated above, we direct the closure of these proceedings and to consign the record with liberty to either side to file a memo for reviving and posting of the case if that becomes necessary.


(S.R. ADIGE)
MEMBER (A)


(V.S. MALIMATH)
CHAIRMAN