

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

MP No. 359/88 &
CAX No. 198x
OA 1674/87 x198x
XKAXxNo.

DATE OF DECISION 8.6.1988

Shri Mukand Lal

Petitioner

Shri Sital A.K.Dar,

Advocate for the Petitioner(s)

Versus

Union of India & others

Respondents

Mrs. Avnish Ahlawat,

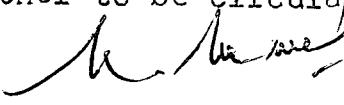
Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether to be circulated to all the Benches? No


(Kaushal Kumar)
Member


(K. Madhava Reddy)
Chairman

8.6.88

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. No. MP No. 359/88 &
OA No. 1674/87

Dated 8.6.1988

Shri Mukand Lal Applicant

Vs.

Union of India & Others Respondents

CORAM: Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member

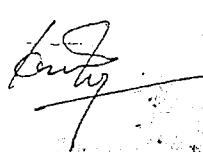
For the Applicant Shri Sital A.K.Dar, Counsel.

For the Respondents Mrs. Avnish Ahlawat, Counsel.

(Judgement of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 complaining that the reliefs granted by the High Court in Writ Petitions No. 79/81 and 505/72 have not been implemented. For non-implementation of the said judgements Civil Contempt Petition No. 211/1984 was filed by the applicant in the High Court on 25.9.1984 which is still pending. Thereafter he filed another Civil Writ Petition No. 2575/85 for the reliefs now claimed in this application under Section 19 of the Administrative Tribunals Act, 1985. According to the applicant these reliefs flow out of the orders made by the High Court in two earlier petitions. If the reliefs flow out of the orders already made by the High Court and for non-implementation of those orders a Civil Contempt Petition is pending no fresh Writ Petition is maintainable and need be filed either before the High Court or before this Tribunal. The order already made by the High Court has to be implemented. The High Court is already seized of the matter as to whether those judgements in the earlier Writ Petitions have been fully implemented or not and whether for non-implementation of those orders any proceedings in contempt should be taken against the Respondents or not.

....2...,



As already held in T-905/85 (Shri R.L. Kapur Vs. Union of India) for contempt in not implementing the order of the High Court, the High Court alone can entertain a Contempt Petition and not this Tribunal. For non-implementation of the orders of the High Court when the matter is pending in the High Court no fresh application can be entertained by this Tribunal.

2. CWP 2089/87 was filed before the High Court and the same was transferred to this Tribunal in which this Tribunal by order dated 28.9.1987 held that the Writ Petitions filed in the High Court after 1.11.1985 i.e. the 'Appointed Day' on which the Central Administrative Tribunal was constituted do not stand transferred under Section 29 of the Administrative Tribunals Act, 1985. Now this application was filed nearly one month thereafter. This delay of one month has not been satisfactorily explained. Both for the reason that the grievance is against the non-implementation of the judgements of the High Court in Writ Petitions No. 79/81 and 505/72 Contempt Petition against which is pending in the High Court and for the reason that this application is filed beyond time, and no sufficient cause has been shown, Misc. Petition No. 359/88 and OA 1674/87 are dismissed with no order as to costs.



(Kaushal Kumar)
Member



(K. Madhava Reddy)
Chairman