

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

O.A. No.810/1987

August 23, 1989.

Shri A.Gajarajulu & Others Vs. Union of India & Ors.

Applicants through counsel Miss. Madhu Moolchandani, On behalf of the respondents Shri O.N.Moolri, counsel is present.

Learned counsel for the applicants drew our attention to the order dated 20.2.1989 passed by the Supreme Court in SLP (C) No.7830 of 1988 & W.P. No.1075/1988 which is in the following words:

"The Tribunal disposed of the claim by referring to the direction of this Court dated 18th of March, 1988 in Special Leave Petition No.14618 of 1987. In the meantime the order dated 18th of March, 1988, has been recalled and the Special Leave Petition is yet to be heard. In the circumstances the impugned order of the Tribunal dated 17.5.1988, is vacated and the matter shall stand restored before the Tribunal for disposal in accordance with law. This Special Leave Petition and Writ Petition are disposed of accordingly. No costs. "

We do not find any direction in the above order of the Supreme Court pertaining to the case of Shri A.Gajarajulu & Others. O.A. No.810/1987 filed by the six applicants was decided by a Division Bench of this Tribunal on 10.11.1987.

The Application was partly allowed with the direction that all the applicants who were engaged on or before 17.11.1986 shall be regularised and absorbed against regular posts after they have completed three years of service from the date of their initial engagement subject to their fulfilling all other conditions in regard to qualifications etc., as contained in circulars dated 21.4.1982 and 20.4.1985."

It does not appear to us that there is any order of the Supreme Court setting aside the above order so that the matter needs to be reheard. Even after recalling its order dated 18.3.1988 by the Supreme Court, the position was restored to what has been stated in

the order of the Tribunal dated 10.11.1987 quoted above.

The applicants are aggrieved that they have not been reinstated.

On 10.5.1989, the following order was passed by this Bench when this O.A. No.810/87 (A.Gajarajulu Vs. U.O.I) was listed along with several other connected cases before us:

"8. In this case pleadings are complete.

This case was also mentioned in the order dated 20.2.1989 passed by the Supreme Court although the date of the decision in the case is 10.11.1987. This case will be listed on 17.7.89 for hearing before the Tribunal along with O.A. 896/88."

We are of the view that it is not necessary to hear afresh the case of A.Gajarajulu Vs. U.O.I. for the order passed in the above case on 10.11.1987 had become final and has not been set aside by the Supreme Court. It is true that the name of A.Gajarajulu & Ors is mentioned in the certified copy of the order of the Supreme Court dated 20.2.1989, but there is no express direction that the Tribunal's order dated 10.11.1987 is vacated and that the Tribunal should hear the matter afresh. It appears that the order dated 10.5.1989 passed by us directing the hearing of the O.A. 810/87 be recalled. We are of the view that it is not necessary to hear this case at all.

We have examined the matter. The order in OA 810/87 was passed by the Tribunal on 10.11.1987 and it followed the decision in Neera Mehta's case. The Railways filed Special Leave Petition (No.3005 of 1988) against the order of the Tribunal, which was dismissed by the Supreme Court on 10.5.1988. The matter became final.

Learned counsel for the applicants pointed out that in many cases this Tribunal has passed orders directing the respondents for taking back on duty the applicants even where the matter was pending. Applying the same principle in this case the respondents be directed to reinstate the applicants.

In our view the order dated 10.11.1987 has become final and it has to be implemented. If the respondents have not implemented the same, the applicants are not remedyless. The applicants may seek such remedy as is provided under the law for the implementation of the order.

This O.A. is delinked from other cases.

Banerji
(B.C.Mathur)
Vice-Chairman
23.8.1989.

(AB)
(Amitav Banerji)
Chairman
23.8.1989.

SKS