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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

C.C.P. NO. 124/92 in  
O.A. NO. 2061/88

DECIDED ON : 9.4.1992

Shiv Prakash Sharma                      ...    Petitioner  
Vs.  
Suresh Kumar & Anr.                      ...    Respondents

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THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN  
THE HON'BLE MR. P. C. JAIN, MEMBER (A)

Shri Dinesh Goyal, Counsel for Petitioner

ORDER (ORAL)

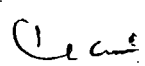
Hon'ble Mr. Justice V. S. Malimath, Chairman :-


The complaint in this case is that the conduct of the respondents in not permitting the petitioner to join duty after the expiry of the medical leave on 28.2.1992 amounts to contempt of court on the ground that that is a conduct in violation of the interim order made by the Tribunal on 27.2.1992 and continued thereafter. The petitioner had made a request in the O.A. for an interim order restraining the respondents from terminating his services pending disposal of the O.A. No interim order in terms prayed for by the petitioner was granted. On the contrary what was granted is an order directing the maintenance of status quo. Ultimately the O.A. came to be dismissed for default on 8.1.1992. The petitioner then filed MP-551/92 for restoration and another MP-598/92 for restraining the respondents from terminating his services till the disposal of the application for restoration.

It is on MP-598/92 that an interim order came to be made on 27.2.1992 directing issue of notice and in the meanwhile to maintain status quo till then. It is his case that the

said order was served on the respondents on 28.2.1992. The said direction for maintaining status quo was further continued by order dated 10.3.1992. It is his case that he was on medical leave and on expiry of the leave, the petitioner was not allowed to join duty when he made an attempt in this behalf on 3.3.1992. According to him, <sup>amounts</sup> that conduct of the respondents to violating the interim order dated 27.2.1992.

2. The application for restoration is still pending. The interim order made by the Tribunal after the O.A. was dismissed ~~for~~<sup>in</sup> default on the MP of the petitioner pending disposal of the MP for restoration, does not direct the respondents to permit the petitioner to join duty. It only direct maintenance of status quo. As there is no positive direction in favour of the petitioner for permitting him to join duty, the order maintaining status quo cannot be construed as having such an effect. Hence, we are inclined to take the view that the petitioner has failed to make out a case for taking action under the Contempt of Courts Act. We would like to add that this shall not prejudice the petitioner in seeking his relief for restoration and for seeking such directions as may be just and proper in the original proceedings. This C.C.P. is accordingly disposed of.

  
( P. C. JAIN )  
MEMBER (A)

  
( V. S. MALIMATH )  
CHAIRMAN