

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

13

C.C.P. 55/90
O.A. No. in O.A. 2450/89 100
T.A. No.

DATE OF DECISION 6.12.90

B. S. Rana and others Petitioner

Shri B.B. Raval Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Mr. M.M. Sudan Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. S.P. Mukerji, Vice Chairman (A)

The Hon'ble Mr. G. Sreedharan Nair, Vice Chairman (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

O R D E R
(Hon'ble Shri S.P. Mukerji, Vice Chairman)

We have heard the learned counsel for both the parties in this C.C.P. dated 6.2.90 in which it was alleged that the original respondents did not comply with the order of this Tribunal in O.A. 2450/89 dated 19.12.89. The operative portion of that order reads as follows:

"Without expressing any opinion as regards the circumstances under which the impugned orders have been passed and having regard to the magnitude of the issues involved, we feel that this is a fit case in which the applicant should be directed to make representations against the impugned orders to the Lt. Governor, Delhi, as well as to the Secretary, Ministry of Education and Social Welfare within a period of three weeks from the date of communication of this order. The respondents should consider the points raised in the representations as expeditiously as possible, but in no event later than 28th February, 1990. They should pass a speaking order on the representations made by the applicants. In case they are still aggrieved by the decision taken by the respondents, the applicants will be at liberty to file a fresh application in the Tribunal, in accordance with law.

11. In view of the aforesaid order, we further direct that the respondents shall not give effect to the impugned orders dated 24.11.1989 at Annexure A-I and A-II as well as the orders issued by them for abolishing the post of Project Officers and Supervisors till the appeal is decided, as mentioned in Para 10 above."

The petitioners' contention is that in pursuance of the aforesaid judgment, they filed the appeal dated 8.1.1990 which had not been disposed of till the C.C.P. dated 6.2.90 was filed. It, ^{was} however admitted by the learned counsel for the petitioners that the appeal was disposed of by the respondents on 20.8.90 rejecting their representations and abolishing the posts held by them. Against that rejection order the petitioners have since filed another O.A. No. 1822/90. It is also admitted that the petitioners have been paid the pay and allowances against the posts held by them till 20.8.90 though after some delay. The respondents have explained that consultation with the Finance Department for sanction ^{of the} for posts and salary took some time. There was some consultation with the Ministry of Human Resources Development also. The fact that the respondents had issued orders of abolition of the posts held by the petitioners on 15.12.89 cannot be a matter of contempt as that has been taken care of by the judgment of the Tribunal delivered subsequently on 19.12.89. The grievance about rejection of their representations and assigning their work to some other

person cannot be agitated through the C.C.P.

2. In the facts and circumstances we do not see much point in pursuing the C.C.P. and dismiss the same and discharge the notice of contempt.

G. Sreedharan Nair
(G. Sreedharan Nair)
Vice Chairman(J)

S. P. Mukerji
(S. P. Mukerji)
Vice Chairman(A)

6.12.90

Ks.