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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA 1962/91 Date of decision: 17.08.93.

MP 1192/93

MP 2023/92

Sh. Suresh Prasad Thakur & Ors. Petitioners

versus

D.G., C.S.I.R. & Anr. Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

For the petitioners : Sh. K.L. Bhatia, counsel

For the respondents : Sh. V.K. Rao, counsel

JUDGEMENT (ORAL)

(delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

The petitioners have approached this Tribunal with this O.A. once again. Earlier they had preferred O.A.No.2215/88 which was disposed of finally on 12.04.91 with a number of directions. This Tribunal quashed the order whereby the services of the petitioners had been terminated. The respondents were directed to continue the services of the petitioners as casual labourers in the regular vacancies on the Group 'D' post. The respondents were also directed to consider their cases for regularisation in such vacancies as may be available, and, if no vacancy is available, then their

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cases should be considered in accordance with the scheme.

After the judgement dated 12.4.91 in O.A.No.2215/88, the respondents on 24.7.91 passed an order that the petitioner (Sh. Suresh Kumar) should report to them for a period of 30 days. The petitioner felt aggrieved and hence this application.

In this O.A., apart from the relief that the aforesaid order dt. 24.7.91 may be quashed, some other reliefs have also been claimed. These reliefs are precisely the same which were subject matter of O.A.No.2215/88 in respect of which directions are already existing.

The learned counsel for the respondents stated at the Bar that the respondents propose to withdraw the order dt. 24.7.91. In view of this submission, we do not consider it necessary to go into the legality of the said order. However, we direct the respondents to withdraw the said order within a period of one week from today.

As regards the complaint of the petitioner that the directions given are not being carried out, the learned counsel for the respondents stated that the Respondent No.1, Director General, C.S.I.R. had preferred S.L.P. before the Hon'ble Supreme Court and the same is

8/11/91

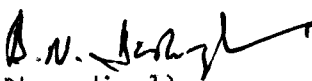
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pending. He has brought to our notice a photo copy of the order dated 30.11.92 passed by the Hon'ble Supreme Court that the Contempt proceedings shall remain stayed until further orders.

Clearly, the Hon'ble Supreme Court has not stayed the operation of the direction given by this Tribunal earlier. It appears to us that the respondents have not been able to persuade the Hon'ble Supreme Court to give them a clear cut stay order. The respondents shall either obtain a clear cut stay order from the Hon'ble Supreme Court that the directions dt. 12.4.91 shall remain stayed or they shall be carried out. The respondents are given four months time to obtain an order. If they are unable to do so, they shall carry out the directions within a period of one month from the expiry of 4 months ^{given} to obtain the order from the Hon'ble Supreme Court.

In view of this order, M.P.Nos.1192/93 & 2023/92 do not survive. The M.Ps. are also disposed of.

With these directions, the O.A. is disposed of finally. No orders as to costs.


(B.N. Dhoundiyal)
Member(A)


(S.K. Dhaon)
Vice-Chairman