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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.C.P. NO. 64/92 in
O.A. NO. 2911/91

DECIDED ON: 24.03.1992

N. D. Sharma ... Petitioner
Vs.
Union of India & Ors. ... Respondents

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

For the Petitioner - Shri B. B. Raval, Counsel
For the Respondents - Shri T. K. Sinha, Counsel

O R D E R (ORAL)

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

The main O.A. brought by the petitioner has since been dismissed on 13.3.1992. There is also an express observation that the interim order of stay also stands vacated. The grievance in this petition is that the interim order of stay has been violated. As the main O.A. has itself been dismissed, the question of compelling the respondents to obey the interim order does not arise. Hence, the only limited question that survives for consideration is as to whether the respondents should be punished for contumacious disobedience of the interim order of the Tribunal. The respondents have taken the stand in the reply that they have not violated the interim order. They have understood the interim order as conveying that they should not do anything further to pursue the order of transfer once the stay order has been issued. This is a case where the respondents have not done

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anything to compel the petitioner to go to the place of transfer. The effect of the order of stay, in our opinion, has not been fully comprehended. The authorities ought to have proceeded on the basis that there is, in law, no order of transfer and recognised the rights and privileges of the petitioner on that basis. To that extent, we are inclined to take the view that the implication of the interim order was not properly comprehended by the respondents. As we are inclined to take the view that that understanding is not deliberate and contumacious one, no further action under the Contempt of Courts Act is called for. We accordingly drop these proceedings.

Clerk

(P. C. JAIN)
MEMBER (A)

as
240392

Malimath

(V. S. MALIMATH)
CHAIRMAN