

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

C.P. No. 135 of 1996

in

O.A. No. 1045 of 1992

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New Delhi, dated this the 4 - ~~February~~, 1997

(A7)

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Bhagwati Prasad,
S/o Shri Gopal Singh,
Working as Sub-Divl. Engineer (RABMN),
O/o the Divl. Engineer (RABMN),
Satellite Earth Station,
Gulawathi Road,
Sikandrabad-203205 (U.P.) ... PETITIONER

(By Advocate: Shri O.P. Khokha)

VERSUS

1. Shri R.K. Thakkar,
Secretary,
Ministry of Communications,
Dept. of Telecommunications,
Sanchar Bhawan,
New Delhi-110001.
2. Shri N. Narsimhan,
Chief General Manager,
Telecom. Projects,
Easter Court,
New Delhi-110001.
3. Shri R.B. Sahajpal,
General Manager,
Satellite Communication Project,
Jhandewalan,
New Delhi-110055. RESPONDENTS

(By Advocate: Shri M.M. Sudan)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

Applicant alleges contumacious non-
implementation of that portion of C.A.T.,
Principal Bench judgment dated 27.1.95 in
O.A. No. 1045/92 which reads thus:

"Regarding the wages for suspension
period from 9.11.89 to 5.9.90 of
the applicant Bhagwati Prasad the
respondents shall take decision
according to law and extant rules."

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2. Respondents have since passed orders dated 4.12.96 a copy of which is taken on record, but applicant contends that this order is neither according to law nor extant rules as contained in FR-54B. This contention is disputed by respondents.

3. The question whether the order dated 4.12.96 is or is not in accordance with law and extant rules cannot be made the subject matter of a C.P. The respondents have issued that order according to their interpretation of the law and the relevant rules, but if the applicant is dissatisfied with that interpretation, it gives ~~him~~ a ^{fresh &} ~~separate~~ cause of action which ~~they~~ may assail separately through appropriate original proceedings in accordance with law, if so advised. A C.P. is not the appropriate instrument for the purpose. In this connection the Hon'ble Supreme Court's decision in Parhat's case (JT 1996 (9) SC 608) is relevant and fully applies in the present situation.

4. The C.P. is therefore dismissed and notices to contemnors are discharged.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

/GK/

S.R. Adige
(S.R. Adige)
Member (A)