

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD

Dated: This the ~~27th 6th~~ day of June, 1997

Hon'ble Mr. T. L. Verma JM
CORAM : Hon'ble Mr. D. S. Baweja AM

C. C. A. 104/96 IN Original application 979/93

Ajai Malviya - - - - - petitioner

C/A Sri Bashish Tewari

Versus

Justice B. C. Saksena Vice-Chairman

C.A.T Allahabad and another - - - - Respondents

C/R Sri A. Sthalkar

Order

By Hon'ble Mr. T. L. Verma JM

This application has been filed for the alleged breach of the direction issued by the bench of this Tribunal in O.A. No. 979/93

2. From the averments made in the O.A. and other materials on record, it appears that immediately after passing of order in O.A. 979/93, respondents filed review application alongwith the Stay application. On 6.12.1996 when this contempt application came up for hearing, Sri A. Sthalkar filed power on behalf of the opposite party and informed us about the review application having

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been filed. After hearing learned counsel for both the parties, it was ordered that the contempt matter be listed alongwith the review application on 19.12.1996. On 19.12.1996 it was ordered that the review application filed by the Opposite party be disposed of first and after the same is decided, depending upon the same, this content application be listed for appropriate orders. Though ~~xx~~ notices were not issued to the respondents in the contempt application, Sri Sharad Kumar, Dy. Registrar, Central Administrative Tribunal filed affidavit on 13.3.97. In the said affidavit, it has been averred that the review petition 119/96 filed by the respondents was dismissed on 28.2.1997 and that the petitioner was appointed by order dated 5.3.1997.

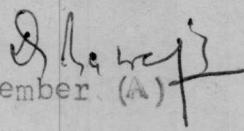
3. From the facts stated above, it emerges that the petitioner was reinstated in service by order dated 5.3.1997 after dismissal of the review application on 28.2.1997. The question for determination is whether the delay in reinstatement of the petitioner amounts to deliberate breach of the directions ~~s~~ issued by this Tribunal. The learned counsel for the applicant urged that the direction to the respondents was to reinstate the applicant forth with. The import of the order with immediate ^{was} effect that the applicant should have been reinstated on the date on which the order was passed. Since that was not done, omission on the part of the respondents amounts to deliberate breach of the aforesaid directions.

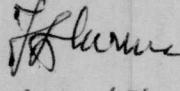
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4. We have given our anxious consideration to the submissions made by the learned counsel for

the applicant, we are, however, unable to persuade ourselves to accept the contention. It is not in dispute that the respondents had filed review application no.119/96 for review of the order dated 22.11.96. It is also not in dispute that the review application was disposed of on 28.2.1997. Though no order staying the ~~directions~~ ^{operation of the order} sought to be reviewed was passed, yet we are of the view that the respondents were justified in waiting for the result of the review application before deciding whether to complying with the directions or not. The respondents have, as is apparent from the materials on record, reinstated the applicant on the post of Stenographer 'D' ~~as~~ immediately after the receipt of the order passed in the review application.

5. In the facts and circumstances of the case discussed above, we are satisfied that the respondents have complied with the directions substantially. We, therefore, find no merit in this application and the same is dismissed accordingly.


Member (A)


Member (J)