

A3

Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

\*\*\*\*\*

Registration (T.A.) No. 172 of 1987

Bhawani Lal

....

Applicant.

Versus

Union of India

....

Respondent.

\*\*\*\*\*

Hon'ble S. Zaheer Hasan, V.C.  
Hon'ble Ajay Johri, A.M.

(Delivered by Hon'ble S. Zaheer Hasan, V.C.)

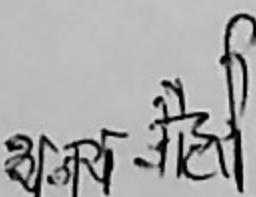
The applicant's services were terminated. He filed a suit which was decreed. The appeal against that order was dismissed. A second appeal is pending in the Hon'ble High Court. The plaintiff moved an execution application which has been transferred to this Tribunal. The learned counsel for the defendant states that he is not aware as to whether the plaintiff has been treated to be in service or not ~~and he wants time to seek instruction on this score~~. The learned counsel for the plaintiff states that he moved an application in this connection and ~~that~~ inspite of that they refused to treat him in service on the ground that a second appeal is pending. The learned counsel for the plaintiff further states that he may be given charge and his salary may be paid from the date he takes over charge and so far as the payment prior to that is concerned, it may be withheld for the time being in view of the pendency of the second appeal. He further states that <sup>in</sup> this taking over charge and payment of salary, etc. will be subject to final decision of the second appeal.

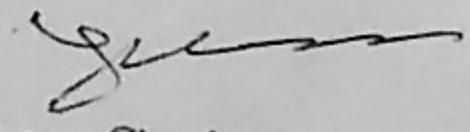
A3  
2

-- 2 :-

2. There is no stay order. The offer made by the learned counsel for the applicant is very reasonable, so the applicant may report for duty within 15 days and the respondent will take him on duty and pay the salary according to rule from the date he takes over charge. The payment of salary prior to this date will not be made till the disposal of the second appeal in the Hon'ble High Court and the directions we are giving will also be subject to the final decision of the second appeal by the Hon'ble High Court. These orders have been passed after hearing both the counsel for the parties. The execution application is disposed of accordingly without any order as to cost.

3. A copy of this order be given to the learned counsel for both the parties free of costs.

  
Member (A).

  
Vice-Chairman.

February 10, 1988.

PG.