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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH.

Contempt Application No.212 of 1994

In

Original Application No. 1535 of 1994

Hon'ble Mr. K. Muthukumar, Member(A)

Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

Allaha-bad this the 21st day of Dec 1994

Naseem Kha-n, R/o Village Jazela P.O. Jigna,
Distt. Mirzapur. and 5 others.

Applicants

By Advocate Shri K.S. Saxena

Versus

1. Shri B.P. Sharma, Assistant Engineer (Const.)-II
Northern Railway, Kanpur.
2. Shri R.S. Singh, Senior Civil Engineer(Const.)-II
Northern Railway, Kanpur.

Contemners/Opp.parties

O R D E R

By Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

Six petitioners have filed this contempt petition pleading that they ha-d filed an original application no.1535/94 before this Tribunal on which an interim order was passed on 07.10-1994 to the following fact;

"In the meanwhile status-quo in the case may be maintained as on today."

They plea-d that the petitioner no. 1 to 5 had communicated this order on 11.10.1994 and petitioner no.6 communicated it on 12.10.1994 to the respondents. They had all been unwell. The petitioner no.1 was declared medically fit on 23,9.1994

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while petitioner no.6 was declared fit on 11.10.1994. after
However, obtaining the stay order as mentioned in
para no.9 of the petition, they had been regularly
approaching the respondents to give them duty as per
direction of the Tribunal for maintainance of status-
quo. The respondents have terminated their services
by serving upon them an order dated 23.9.1994 which
was never communicated to the petitioners before
12.10.1994. They, thus, prayed for taking action
against the respondents under Contempt of Courts
Act.

2. We have seen the record. The
order of this Tribunal dated 07.10.1994 was for
maintainance of status-quo as on that date. The
petitioner no. 1 was declared fit on 23.9.1994 by
the Government Doctor after certifying that he had
remained under treatment from 13.9.1994 to 22.9.1994.
He was supposed to be on duty w.e.f. 23.9.1994. There
is no explanation regarding petitioner no.2 to 5. In
any case, the order of dismissal is dated 23.9.1994
it was passed much earlier to the interim order passed
by this Tribunal. We, thus, do not find that the res-
pondents flouted the direction of this Court. It is
settled law that by ordering maintainance of status-
quo, The Court cannot imply that the clock has been
put back or that the orders passed earlier to the
injunction order are to be taken to be not existing.

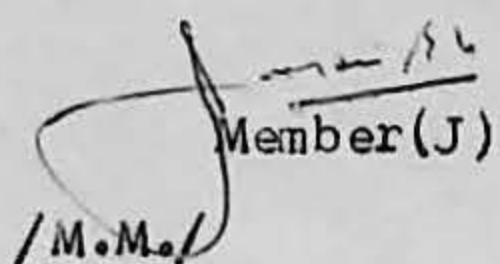
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3.

This petition is,

thus, dismissed in limine.


Member(J)
/M.M./


Member(A)