

9.4.2007

(3)

**HON'BLE MR. P.K. CHATTERJI, MEMBER-A**  
**HON'BLE MR. S.K. DHAL, MEMBER-J**

This Contempt petition is in connection with the order of the Tribunal dated 22.12.2006 wherein it was directed that the operation of the impugned order dated 9.10.2006 shall remain stayed until further orders. The applicant filed this Contempt petition being aggrieved that the directions of this Tribunal was not complied with and he continued to remain out of job.

Sri S. Singh, learned counsel for the respondents, however, has drawn our attention to the application for vacating the interim order. Firstly, he has pointed out that there was no impugned order dated 9.10.2006 as such, it is only stated by the learned counsel for the applicant that his job was terminated by an oral order. He has further drawn our attention to the application for vacation of stay filed by him in which it is stated that the applicants were never engaged after the order passed by the Joint Commissioner P&V, Central Excise, Meerut dated 9.9.2005, which was also served upon the applicant on 15.9.2005. The order is enclosed as Annexure CA-I. As the applicant was not engaged after that date, the question of compliance/non-compliance of the order dated 22.12.2006 does not arise. There is no impugned order dated 9.10.2006, as already stated. It is stated by the applicant that it is oral order, which is denied by the respondents. With these submissions, the learned counsel for the respondents has requested for vacating the stay order.

Having applied our mind to the same, we hereby vacate the interim order dated 22.12.2006.

CA has already been filed by the respondents, to which the RA has also been filed by the applicant. Therefore, the case may be listed for final hearing.

Sri S. Singh, counsel for respondents has also requested in the CA that the applicant had filed another O.A. no. 1333 of 2006 on the same grounds and relief(s) and requested that this should also be linked with that case before disposal. We order accordingly.

*meath*

(9)

As the stay order is being vacated, the Contempt petition filed by the applicant will no longer survive. The contempt petition is dismissed and the notices issued to the respondents are discharged.

List the O.A. on 14.5.2007 for hearing.  
Copy of this order be placed in the connected file also.

*Girish*  
 MEMBER-J  
GIRISH/-

*Meethan*  
 MEMBER-A