

111
4
(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION NO. 142 OF 1987.

Date of decision .. December 16, 1987.

M.I. George, son of M.M. Idicula,
Junior Surveyer Central Division,
Dandakaranya Project, At/P. Malkangiri,
Dist- Koraput. ..

Applicant.

Versus

1. Union of India, represented by the
Secretary, Department of Rehabilitation,
At- Jaisalamar House, Mansingh Road,
New Delhi- II.
2. Chief Administrator, Dandakaranya Project,
At/P.O/Dist- Koraput.
3. Financial Adviser & Chief Accounts Officer,
Dandakaranya Project, At/P.O/Dist- Koraput.

.. Respondents.

Mr. G.A.R. Dora, Advocate ..

For Applicant.

Mr. Tahali Dalai, Addl. Standing
Counsel (Central) ..

For Respondents.

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be
allowed to see the judgment ? yes.
 2. To be referred to the Reporters or not ? NO.
 3. Whether Their Lordships wish to see the
fair copy of the judgment ? Yes .
-

J U D G M E N T

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the respondent -Opp. Party No.2 to give effect to the judgment passed by the Hon'ble High Court of Orissa in O.J.C.No. 160 of 1980.

2. Shortly stated, the case of the applicant is that he is an employee under Dandakaranya Development Authority and he had a grievance regarding his promotion and pay protection. To redress his grievance, the applicant along with another had approached the Hon'ble High Court of Orissa by filing an application under Article 226 of the Constitution which formed subject-matter of O.J.C.No. 160 of 1980. On 23.4.1985 Their Lordships up-held the contention of petitioners in that case and directed that the pay of the petitioners should be protected and Their Lordships also categorically stated in the said order ^{He}~~to~~ pay to which the petitioner would be entitled. As regards the grievance of the petitioner for promotion, Their Lordships did not feel inclined to allow the said prayer and hence it was rejected. Though the order was passed by Their Lordships on 23.4.1985, as yet the grievance of the petitioner has not been redressed by Respondent- Opp. Party No.2 and therefore, it is prayed to give a specific direction to Respondent No.2 to give effect to the judgment of the Hon'ble High Court of Orissa (referred to above) within two months from today.

3. No counter has been filed for reasons best known to the respondents.

4. We have heard Mr. G.A.R. Dora, learned counsel for the applicant and Mr. Tahali Dalai, learned Addl. Standing Counsel for the Central Government at some length. It is rather unfortunate that till now the judgment of the Hon'ble High Court of Orissa referred to above has not been given effect to and particularly when no appeal has been preferred to the Hon'ble Supreme Court for unsettling the judgment. It presupposes that the respondents- Opp. Parties were satisfied with the order passed by the Hon'ble High Court. Therefore, in all fitness of things, the respondents- Opposite Parties should give effect to the order passed by the Hon'ble High Court of Orissa within a reasonable time. Lapse of two and half years or little more than that cannot be construed as a reasonable time. Hence we would direct that the order of the Hon'ble High Court of Orissa in the aforesaid O.J.C. should be given effect to within three months from the date of receipt of a copy of the judgment.

5. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

[Signature]
 16.12.87
 Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, 9 agree.

[Signature]
 16.12.87
 Vice Chairman.

Central Administrative Tribunal,
 Cuttack Bench.
 December 16, 1987/Roy SPA.

