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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.260 of 1987.

Date of decision : April 8, 1988. 7

Sri Gokulananda Mohanty,
S/o Sri Haribandhu Mohanty,
of Samanta Sahi, Town &
District-Cuttack. ...

Applicant.

Versus

1. Union of India, represented by
the General Manager, Telecommunication,
Orissa Circle, Bhubaneswar.

2. Superintendent in-charge,
Central Telegraph Office, Cuttack.

... Respondents.

For the applicant ... M/s. P.V. Ramdas,
R.B. Mohapatra,
J. Jethy, &
B.K. Panda, Advocates.

For the respondents ... Mr. A.B. Mishra, Senior Standing
Counsel (Central)

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)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
 2. To be referred to the Reporters or not ? W
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.
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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 prayer of the applicant is that the direction given by the Superintendent-in-charge, Central Telegraph Office, Cuttack contained in Annexure-6 be quashed.

2. Shortly stated, the case of the applicant is that he had filed an application under Article 226 of the Constitution before the Hon'ble High Court of Orissa which was transferred to this Bench under section 29 of the Administrative Tribunals Act, 1985, forming subject matter of Transferred Application No. 248 of 1986, wherein the petitioner had prayed for giving him a declaration that he was entitled to certain arrear claims. This Bench by its judgment dated November 28, 1986 allowed the application and directed that the emoluments to which the petitioner is entitled be paid within four months from the date of receipt of a copy of the said judgment. The order passed by this Bench not having been given effect to, the applicant filed two applications i.e. the present application No. O.A. 260 of 1987 and another application for issuance of notice for contempt forming subject matter of Contempt Application (Civil) No. 5 of 1988. The contempt application was heard and judgment was delivered on 21st January, 1988. In the said contempt application we stated that Respondent Nos. 3 and 4 i.e. General Manager, Telecommunications, Orissa Circle, Bhubaneswar and Senior Superintendent of Telegraphs, Traffic division, Bhubaneswar should take effective steps for clearance of arrear emoluments and the same should be given to him positively within two months from the date of receipt of a copy of the judgment.

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In view of the judgment passed in C.A.(Civil) No.5 of 1988, Mr.Mohapatra has rightly stated that his grievance having been redressed, there is no other prayer to be allowed in this application.

3. After hearing Mr.R.B.Mohapatra, learned counsel for the applicant and learned Senior Standing Counsel (Central), Mr.A.B.Mishra we think there is some force in the contention of Mr.Mohapatra even though it was urged by Mr.A.B.Mishra that the applicant has not yet filed the certificate to the effect that he was not employed anywhere during the period he was dismissed. This matter could be appropriately dealt by the competent authority and since the Rules do contemplate that such certificate has to be filed the applicant should give such[^] certificate. But it is told to us by Mr.Mohapatra that such a certificate has been filed by way of affidavit^{and} we would direct that the competent authority would deal with the affidavit filed by the applicant and dispose of the matter according to Rules.

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

B.R.PATEL, VICE-CHAIRMAN,

I agree.

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Member (Judicial)

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Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
April 8, 1988./S.Sarangi.