

45

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 272 of 1990

Date of decision: March, 27, 1991

Gokulananda Mohanty : Applicant

Versus

Union of India and others : Respondents

For the applicant : M/s R.B. Mohapatra, N. Tujharsing
S.C. Mohanty, Advocate

For the Respondents : Mr. P.N. Mohapatra, Additional
Standing Counsel (Central)

CORAM:

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

A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be permitted 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.

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J U D G M E N T .

B.R.PATEL, VICE-CHAIRMAN: The relief sought by the applicant has protracted litigation starting with O.J.C.No.1587 of 1982 which stood transferred to this Tribunal and numbered as T.A.248 of 1985, the Contempt Application(Civil)No.5 of 1988 and O.A.No.46 of 1989 the judgment of which was delivered on 27th November, 1989. The present case was filed on 18th July, 1990. Inspite of all these, the full relief is not yet insight. The copies of the orders and judgments passed in the cases have been annexed to the application as Annexures-1, 2, 3 and 7.

2. We have heard Mr.R.B.Mohapatra, the learned Counsel for the applicant and Mr.P.N.Mohapatra the learned Additional Standing Counsel (Central) for the Respondents. The limited issue involved is whether the applicant will be required to file an affidavit to the effect that he was not engaged in any employment during the period commencing from the date of his dismissal till his reinstatement in service. Mr.P.N. Mohapatra very vehemently argued that he should give such an affidavit to the effect that he did not have any business during this period whereas Mr.R.B.Mohapatra says that the rules on the subject does not refer to business but only to employment.

B.R. Patel

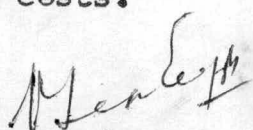
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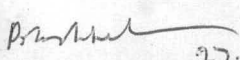
This issue has been examined at great length in our order dated 28th April, 1988 on Contempt Application (Civil) No.5 of 1988. In this order, we have observed as follows:-

" In such circumstances, it is no longer a valuable point and therefore we direct Respondent No.3 and 4 namely General Manager, Telecommunication, Orissa, Bhubaneswar and Senior Superintendent of Telegraphs Traffic Division, Bhubaneswar, District Puri to make payment of the arrear emoluments to which the petitioner is entitled under the Rules within one month from the date of receipt of a copy of this order failing which consequences of law will follow against them".

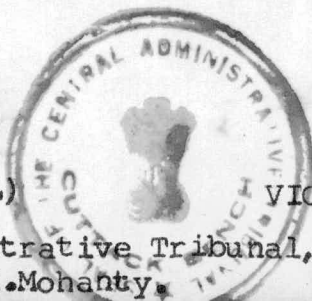
It is indeed surprising that even after this order, this very point is being raised by the Department thereby delaying the payment due to the applicant. This in our opinion amounts to contempt of the Tribunal. However, we would like to give another chance to the Department to implement the various orders and judgments rendered in this case. We would direct that the arrear emoluments should be paid to the applicants within two months from the date of receipt of this judgment. This is one of the rare cases and the department should pay the cost Rs.300/- to the applicant.

3. This application is accordingly disposed of. No costs.


MEMBER (JUDICIAL)


VICE-CHAIRMAN.

Central Administrative Tribunal,
Cuttack Bench: K. Mohanty.



27.3.91