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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.322 of 1990.

Date of decision : February 13,1991.

B.Laxminarayan & others ...

Applicants.

Versus

Union of India and others ...

Respondents.

For the applicant ...

M/s.Ashok Mohanty,
P.K.Parida, Advocates.

For the respondents ...

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

C O R A M:

THE HONOURABLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR.N.SENGUPTA, 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.
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J U D G M E N T

B.R.PATEL, VICE-CHAIRMAN, In this application the applicants have sought the following reliefs :

- (i) A direction be issued by the Tribunal to the respondents to implement the judgment dt. 21.2.1990 passed by the Tribunal in O.A.No. 452 of 1989 and 501 of 1989;
 - (ii) To allow the applicants to continue in the posts without any break ; and
 - (iii) To take appropriate action against the respondents for intentional violation of the directions issued by the Tribunal in the aforesaid judgments.
- [Signature]*

2. Briefly mentioned, the facts are that the applicants had approached this Tribunal in O.A.452 of 1989 and O.A.501 of 1989. Those cases were disposed of vide judgment of the Tribunal dated 21.2.1990. In the aforesaid judgments the Tribunal has observed as follows:

" In the facts and circumstances, we have absolutely no hesitation in our mind to come to the conclusion that the services of the applicants should not be terminated so long as the posts would continue to exist and the applicants do not otherwise disqualify themselves for continuance in the post."

And further,

" With regard to the prayer of the applicants for payment of arrear dues, it may be stated that the respondents have averred that they have already been sanctioned and in the meantime been paid to the applicants. Therefore no specific orders need be passed."

3. We have heard Mr.Parida, learned counsel for the applicants and Mr.Tahali Dalai, learned Additional Standing Counsel (Central) for the respondents and perused the papers. Mr.Parida has submitted that the judgment of the Tribunal referred to above has not yet been implemented fully and appropriate action should be taken by the Tribunal against Respondent No.3 for intentional violation of the directives issued by the Tribunal. Mr.Dalai, on the other hand has averred that the judgment of the Tribunal has been fully complied with and there is no scope for taking any action against Respondent No.3 for wilful violation of the orders of the Tribunal. In this connection, Mr.Dalai has drawn our attention to paragraph 3 of the counter filed by the respondents. This paragraph reads as follows:

R. Parida

- " 3. That it is respectfully submitted hereunder:-
The termination order No.0006/Stn/5/G dated 31st August,1990 have been withdrawn already as per the direction of the Central Command, Lucknow withdrawing the termination are annexed herewith as Annexure-R2 and R3. The services of the Applicants have already been re-instated. They are being paid for the period of break i.e.27th December,1989 to 10,11,12,14 and 15 June 90 as per the direction of the Central Command vide Annexure-R4 and R5. Their pay and allowances have not been affected so far even they were not in employment. Infact, they are being paid by the Govt. even, when they had not worked in the Military Exchange, Gopalpur as per the direction of the Hon'ble C.A.T. All possible measures have already been taken by the Respondents to ensure that the services of these CSBOs are continued. As such, there is no wilful or intentional violation of Tribunal order, rather, orders of this Hon'ble Tribunal in the aforesaid O.A.Judgment have been carried out promptly and in toto and they have since been employed. "

In view of the clear statement that the relief has been given to the applicants in terms of the judgment of the Tribunal there is hardly anything further to be done by us. From the annexures to the counter it appears that some incorrect statements have already been withdrawn. Mr. Dalai has made a categorical statement that there is no break in the services of the applicants and as all the reliefs have been granted there is nothing further for the Tribunal to do.

4. The case is accordingly disposed of. No costs.

Member (Judicial)
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Member (Judicial)



Vice-Chairman
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Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
February 13, 1991/Saranghi.