

15

O.A. No.1092/04

Order dated. 07.09.2007

Vide order dated 01.09.06 the single Member Bench disposed of this O.A. with direction to the Respondents to settle the dues of the Applicant within a period of 04 months from the date of communication of the order. M.A. No.377/07 has been filed by the Respondents on 29.06.07 for two months time to comply with the order of the Tribunal passed on 01.09.06 which expired therefore on 28.08.07.

2. The Respondents Counsel is therefore required to report whether such order of the Tribunal has been complied with. Accordingly on 21.08.07 two weeks time was granted to the Respondents in this regard; yet no compliance report seems to have been filed by the Respondents or furnished, besides not even caring to attend the Court through their Counsel or party in person, due to Advocates' strike on court work before this Bench purportedly on the basis of CAT Bar Association's resolutions.

3. In this connection, I would like to refer to the decision of the Hon'ble Supreme Court in the case of Ramon Services Pvt. Ltd. Vrs. Subhash Kapoor and others, JT 2000 (Suppl.2), wherein Their Lordships, in paragraphs 24,27 and 28 of the judgement, have held that no Advocate can take it for granted that he ~~will~~ ^{- would be} appear in the court according to his whims and fancies or conveniences. It would be against professional ethics for a lawyer to abstain from the court when the cause of his client is called for hearing of further proceedings. In

Or. No. 07.09.07
may kindly be
perused.

MA. 377/07
for further
orders and
MA 476/07 for
modification of
order No. 07.09.07.
copy not served.
(on memo)

h
28/09 Bul

h

16

appropriate cases, the court itself can pass effective orders for dispensation of justice with the object of inspiring confidence of the common man in the effectiveness of judicial system. Inaction will surely contribute to the erosion of ethics and values in the legal profession and the defaulting Courts may also be contributory to the contempt of the Hon'ble Apex Court. *ldh*

4. Keeping in view the case law laid down by the Hon'ble Supreme Court, materials available on record were perused. After such perusal under the aforesaid circumstances, the verificant of the M.A. No.377/07 who is 4th Respondent in this O.A. No.1092/04 is directed to appear before this Bench to explain the position in this regard *without fail. ldh*.

5. Thus this matter stands *finally ldh* adjourned to 28.09.07. Copy of this order be supplied by the Registry to the Applicant as well as to the Respondents including Respondent No.4 immediately.

ldh
VICE-CHAIRMAN