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O.A.NO.247 OF 2007

ORDER DATED 14.09.07

The Ld.Counsels M/S.N.R.Routray and S.Mishra for the applicants as well as their party in person are absent due to advocates' strike on Court work before this Bench purportedly on the basis of the CAT Bar Association's resolutions. In this connection, I would like to refer to the decision in the case of Ramon Services Private Limited Vrs. Subash Kapoor and Others, reported in JT 2000 (suppl. 2) Supreme Court 546, wherein the Hon'ble Supreme Court in paragraphs 24, 27 and 28 of the judgment, have held that no Advocate could take it for granted that he would appear before 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 or further proceedings. In appropriate cases, the Court itself could 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 might also be contributory to the contempt of the Hon'ble Apex Court. Keeping in view the case law laid down by the Hon'ble Supreme Court, the materials available on record have been perused.

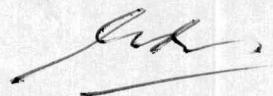


2. In this O.A. when it came on 10.08.07, notice of motion for admission and interim prayer was ordered returnable for the Respondents by thirty (30) days and listing this matter for today in regard to further course of action. In view of none being present on behalf of the applicants as well as the Respondents that is to say neither the concerned Counsels nor their parties in person respectively, the available record on hand has been perused. After doing so, at the outset, we consider that M.A.418/07 in this O.A. praying for permission for the applicants to prosecute this Original Application jointly is allowed for the reasons stated therein.

3. The O.A. has been perused in which it has been prayed for the relief of directing the Respondents to grant first and second financial up-gradation under the ACP scheme w.e.f. 1.10.1999 and 1.1.2007 and also to direct the Respondents to pay the differential arrear salary. This O.A. is directed to be admitted.

4. As interim relief has also been prayed in this O.A. pending disposal of which, for issuance of the direction to the Respondents to dispose of the representations under Annexure-A/5 series, it is considered that no such interim relief is necessary to be granted at this stage since the decision of the Respondents on such Annexure series and the decision of the Tribunal in the O.A. may conflict with each other.

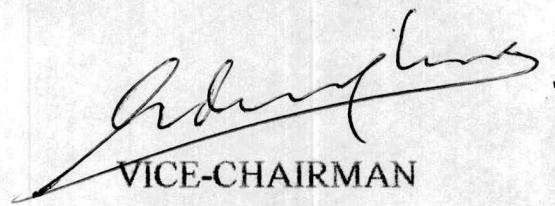
5. However, for the same reason, I consider that interim prayer would be treated as final prayer and accordingly remit the matter to the



authorities before whom representations ~~were~~ made by the applicant for its disposal within a period of two (2) months from the date of receipt of a copy of this order by the concerned.

6. It is superfluous to add that this O.A. is disposed of without going into the merit of this case as well as to avoid unnecessary delay further, more so when both the parties have also not been presenting themselves before this Bench including their parties in person.

7. ~~On~~ the result, this O.A. is disposed of accordingly with the aforesaid directions.



VICE-CHAIRMAN

fix for pronouncement
14.09.07. ~~13.09.07.~~
on