

के.प्र.प्र. (प्रक्रिया) नियमावली के नियम 22 के अंतर्गत निम्नलिखित प्रवि.  
CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH  
J O D H P U R.  
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(18)

C.P.No. 19/1996 in O.A.No.255/95.

Date of Order : 28.4.97

Nathu Khan s/o Madar Bux r/o Near Dawalpur Masjid, Parbatsar, District Nagaur, Ex-Mail Peon, Post Office, Chhoti Khatu, District Nagaur.

... Petitioner.

VERSUS

Mr. C.M. Verma, Superintendent of Post Offices, Nagaur.

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Mr. Vijay Mehta, Counsel for the Petitioner.

Mr. Vinit Mathur, Counsel for the Non-petitioner.

CORAM :

Hon'ble Mr. S. Das Gupta, Administrative Member.

Hon'ble Mr. A.K. Misra, Judicial Member.

ORDER :

( Per Hon'ble Mr. S.Das Gupta, Adm. Member )

1. This Contempt Application has been filed by the applicant alleging non-compliance of the interim order passed by the Tribunal on 22.11.95.

2. The applicant in this case had filed an application before the Central Industrial Tribunal against the order dated 6.2.69 by which his services were terminated. The petition was allowed when the Central Industrial Tribunal passed an award directing the respondents to reinstate the petitioner in the service. This award was challenged by the respondents by filing the writ petition before the Rajasthan High Court. The petition is still pending. However, at the time of the admission of the writ petition, the High Court had stayed operation of the award vide its order dated 29.6.95. Subsequently, the applicant filed an application under section 17-B of the Industrial Disputes Act, 1947 on which the Hon'ble High Court passed an order on 16.8.94 that the stay order granted on 6.7.94 shall continue subject to compliance with provisions of Sec. 17-B of the Industrial Disputes Act, 1947. In compliance of the aforesaid order,

...2....

the respondents passed an order dated 12.9.94 to the effect that during the pendency of the Court proceedings in the High Court or the Supreme Court Shri Nathu Khan shall be paid full wages last drawn by him, inclusive of any other maintenance allowances as admissible to him under the relevant rules, with effect from 06.7.1994. In compliance of this order, payment of salary was being made to the applicant.

3. Subsequently, however, the respondents issued another order on 18.5.95 reducing the salary of the applicant to Rs.141/- which was the pay drawn by him at the time of his termination of services. Challenging this order by which the salary payable to him was reduced, the applicant filed an O.A. No.255/95 in the Central Administrative Tribunal, Jodhpur Bench. Initially, an interim order was passed on 29.6.95 staying the operation of the impugned orders by which the salary of the applicant was said to be reduced. This order was continued from time to time until 22.11.95 when a further interim order was passed directing the respondents to reinstate the applicant immediately on suitable post on which he may have the lien. The further direction was given to the respondents to clarify under which orders of the Govt. the applicant was not put on any duty so far. The present contempt application has been filed alleging that this order of the Tribunal has not been complied with inasmuch as the applicant has not been reinstated.

4. We have carefully considered the pleadings on record and submissions made by learned counsel for both the parties. The award which was given by the Central Industrial Tribunal, Jaipur was challenged by the respondent department before the Rajasthan High Court. The Rajasthan High Court while admitting the petition had stayed the operation of the award. Thus, as long as the said interim order remained, the applicant could not have been reinstated in service since such reinstatement would have been only by virtue of the award of the Central Industrial Tribunal, the operation of which was stayed. Therefore, the interim order passed by this Tribunal on 22.11.95 directing the respondents to reinstate the applicants is in direct contradiction of the stay order passed by the High Court. Stay

order passed by the High Court was perhaps not brought to the notice of the Tribunal while the aforesaid order was passed. The order dated 22.11.95 in so far it relates to reinstatement of the applicant is thus incapable of implementation. We have also noticed that the substantive relief prayed for in the O.A. is only for quashing of the impugned order by which salary of the applicant was reduced. There was no prayer for reinstating him in service nor any such interim relief was prayed for. Thus, the interim order directing the respondents to reinstate the applicant in service travelled far beyond even the scope of the relief clauses.

5. In view of the foregoing, we hold that the interim order passed on 22.11.95 to the extent it direct the respondents to reinstate the applicant in service is not implementable. Non-compliance of interim order, therefore, does not constitute Contempt of Court. The Contempt Application is disposed of accordingly. Notices issued are discharged.

Sd/  
( A.K. Misra )  
Judl. Member

Sd/-  
( S. Das Gupta )  
Admn. Member

[CPM]

प्रमाणित मही प्रतिलिपि

07/12/97

अनुभाग अधिकारी (न्य. वि.)  
केन्द्रीय प्रशासनिक अधिकरण  
जोधपुर