

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

ORDER SHEET

OA 324/99

APPLICATION NO. _____ OF 199

Applicant(s)

Respondent(s)

Advocate for
Applicant(s)

Advocate for
Respondent(s)

Notes of the Registry

Orders of the Tribunal

5-7-2000

Mr. J. K. Kausik, Counsel for applicant.
Mr. Vineet Mathur, Counsel for respondents.

The learned counsel for the respondents submits that the present OA has become infructuous in view of the order passed by the respondents on 6.3.2000. On the other hand, the learned counsel for the applicant submits that the OA very much survives, as there has been no compliance of the order of this Tribunal. He further submits that for non-compliance of the order of the Tribunal dated 22¹²/98, C.P. is pending against the respondents.

We have considered the rival submissions. It appears that the order Annex. R/1, was passed by the respondents when the operation of the order of this Tribunal was stayed by Hon'ble the High Court, but on the 4.5.2000, the writ petition filed by the respondents in the High Court, has been dismissed and in view of that, the order of the Tribunal was required to be complied with by the respondents and the order passed on 6.3.2000, hardly helps the respondents.

The non-compliance of the order of the Tribunal will be looked into in the matter of contempt and in view of this, the relief, as prayed for in the present application, in our opinion does not survive, as there cannot be two remedies for claiming the same relief.

In our opinion, the present OA deserves to be dismissed in view of the pendency of the Contempt Petition. The Original Application is, therefore, dismissed. *Concave*.

Part II and III destroyed
in my presence on 2-1-2000
under the supervision of
section officer as per
order dated 21-7-2000

Section officer (Record)

(G. P. SINGH
Admin. Member

(A. K. MISRA)
Judl. Member