

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

(iii)

CCP No. 65/2004 in O.A. NO: 28/2002

LUCKNOW, THIS THE 5TH DAY OF SEPTEMBER, 2005.

**HON'BL SHRI SHANKAR RAJU, MEMBER (J)
HON'BLE SHRI S.P. ARYA, MEMBER (A)**

Chunni Lal aged about 70 years son of Ram Rakha Mall R/o M-423, Sector D-1, L.D.A. Colony, Kanpur Road, Lucknow.

Applicant.

By Advocate : Shri A.P.Singh

Versus

1. Sri Rajiv Ranjay Jaroohar, General Manager, Northern Railway, Baroda House, New Delhi.
2. Sri R.K. Bansal, Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

Respondents.

By Advocate : Shri Praveen Kumar for Sri Anil Srivastava

ORDER(ORAL)

BY HON'BLE SHRI SHANKAR RAJU MEMBER (J)

It is trite law that any decision rendered by this Tribunal when carried to the higher forum, no malafide can be inferred of non compliance of the order of this Tribunal. However, if the party which had approached the High Court against our order prays for stay and if it appears that delay in furthering his cause of stay is attributable to that party, applicant should not be made to suffer as ultimately the outcome of the writ petition would determine the outcome of the fate of the applicant and the direction issued by the Tribunal thereof. In a case where despite applications of stay of the order of the Tribunal, it is specifically refused, there is no option for the respondents but to comply with the directions. Another eventuality which is also to be kept in mind is that an application for stay has been prolonged then it is open for the party who is seeking stay to expedite, failing which to comply with the directions, may be subject to the final outcome of the writ petition. In this manner, interest of both the parties can be balanced.

In the light of the above as the writ petition preferred by the Govt. in this case, there is no stay of the order accorded by the High Court, we direct the respondent to either to obtain stay or else to comply with the directions, may be subject to writ petition. For this purpose we accord two months time to the respondents to comply with the directions of this Tribunal. With these observations, CCP is disposed of. Notices are discharged with liberty to the parties, if aggrieved, to revive the CCP in accordance with law.

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(S.P. ARYA)

MEMBER(A)

S. Raju
(SHANKAR RAJU)
MEMBER (J)

HLS/-