

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW
BENCH LUCKNOW**

C.C.P. No. 44 of 2006
In

Corrected on
08/03/16
U.P. and
01/03/16

Original Application No. 96 of 2006

Order Reserved on 13-10-2015

Order Pronounced on 29-10-2015

**HON'BLE MR. NAVNEET KUMAR MEMBER (J)
HON'BLE MS. JAYATI CHANDRA, MEMBER (A)**

Radhey Shyam Maurya, aged about 36 years, son of Sri Guru Prasad resident f Village and Post Pipadsan, Lucknow.

Applicant

By Advocate Sri Praveen Kumar.

Versus

1. Sri A. K. Purwar General Manager , C.G.M.T. U.P. East Circle, Bharat Sanchar Nigam Limied, M.G. Marg, Hazratganj, Lucknow.
2. Sri Neetash Sukla, Deputy General Manager, C/o C.G.M.T, UP. East Circle, Bharat Sanchar Nigam Limited, M.G. Marg, Hazratganj, Lucknow.
3. Sri P.C. Rastogi D.E.T. (TXP), Mobile Services, East Circle-II, Bharat Sanchar Nigam Limited, Japlin Road, Telephone Exchange Lucknow.
4. Sri H.R. Shukla, General Manager, C.G.M.T. U.P. East Circle BSNL, M.G. Marg, Hazratganj Lucknow.

Respondents

**By Advocate :Sri Asit Kumar Chaturvedi,learned Senior
counsel assisted by Sri Rajendra Singh.**

ORDER

By Hon'ble Mr. Navneet Kumar, Member (J)

The present contempt petition is preferred by the applicant for non compliance of the order dated 27th July, 2012 passed in O.A. No. 96 of 2006, wherein, the Tribunal allowed the O.A. and directed the respondents to pass suitable orders in regard to regularization of the applicant in a Group D post and also directed that his seniority shall be as per order dated 10.10.2003, consequential benefits, such as promotion to higher post etc. would correspondingly entail in accordance with the law. There shall, however, be no monetary benefits on account of such regularization from a retrospective date.

The order of the Tribunal was subsequently challenged before the

Hon'ble High Court in Writ Petition No. 1778(S/B) of 2012 wherein, the Hon'ble High Court granted four weeks time to file counter affidavit and two weeks thereafter for filing rejoinder. Apart from this, the O.A. applicant prayed for adjournment since he intends to file a modification/clarification application for the impugned judgment and order passed by the Tribunal. In pursuance thereof, Review Application is preferred and in the Review Application, the Tribunal inserted lines such as "**the oral termination if any dated 27.11.2005 is quashed**".

2. The respondents preferred another Writ Petition before Hon'ble High Court vide Writ Petition No. 316(SB) 2015 challenging the order passed in Review Application, in which the Hon'ble High Court has been pleased enough to pass the following orders:-

"In view of the aforesaid submissions, we are of the view that the matter requires consideration. Therefore, we hereby stay the operation of the judgment dated 17.9.2014 passed by the Tribunal in O.A. No. 332/00027/2014 till further orders of this Court.

List on the date fixed in the notice along with Writ Petition No. 1778(S/B) of 2012."

3. The learned counsel for the respondents have vehemently argued and submitted that since the Writ Petition No. 316 (S/B) of 2015 is connected with Writ Petition No. 1778 (S/B) of 2012, as such, any such order passed in the aforesaid Writ Petition will also apply in the Writ Petition No. 1778(S/B) 2012 as well.

4. The learned counsel for the applicant argued and pointed out that both the Writ Petitions are different and the respondents are under obligation to comply the order of the Tribunal passed in O.A. No. 96 of 2006 dated 27th July 2012.

5. Considering the submissions made by the learned counsel for the parties and also after perusal of the record, we are of the considered view that since the Hon'ble High Court is pleased enough to stay the operation of the order passed in the Review Application through the Writ Petition No. 316 (S/B) of 2015 and directed to be

listed along with Writ Petition No. 1778 (S/B) of 2012, and since the matter is ceased with the Hon'ble High Court, as such, the contempt petition is dismissed at this stage, with liberty to the parties to get it revive after the disposal of the Writ Petition. Notices issued to the respondents are discharged.

J. Chandra
(Ms. Jayati Chandra)
Member (A)

N. Kapoor
(Navneet Kumar)
Member (J)

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