

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PATNA BENCH : PATNA.

CCPA - 44 of 1996

(Arising out of OA 239/94)

Date of order : 06.08.1996

Shri Ram Suhag Ram Petitioner

Versus

Union of India & Ors Respondents.

Counsel for the applicant : Shri Laxmi Narain.

Counsel for the respondents: Shri J.N. Pandey.

CORAM : Hon'ble Mr. Justice A.V. Haridasan, ~~V.C.~~
Hon'ble Mr. N.K. Verma, Member (Administrative)

ORDER

Hon'ble Mr. Justice A.V. Haridasan, Vice-chairman :-

This contempt petition arises out of original application, namely, OA 239/94. The petitioner who is applicant in the original application has challenged the order by which he was repatriated to his parent department. There was interim order of stay granted on 3.6.94, directing status quo to be maintained.

~~This~~ interim order was extended periodically till the next date of hearing. However, the last extension was by an order dated 2.2.1995 wherein it was specifically stated that the stay order passed on 3.6.94 shall continue to operate till the next date and the next date of hearing was fixed on 28.2.1995. On 28.2.95 when the case came up for hearing, the respondents'

counsel was given four weeks time to file reply and the case was ordered to be listed on 18.4.95, stating that no further time will be allowed for filing reply and the case shall be heard finally on the next date. However, the stay which was in operation till 28.2.1995 was not extended any further. Thereafter the case came up for hearing on several dates and was adjourned but there was no order extending the interim order. The petitioner appears to be under the impression that the interim order to maintain status quo granted on 3.6.94 was still in operation even beyond 28.2.1995. Assuming on that basis this civil contempt petition has been filed by the petitioner alleging that the respondents have shown defiance to the Tribunal's order by not obeying the order of stay by repatriating the applicant. When the matter came up for hearing on the last date, namely, 5.7.96, on assumption that the interim order in the matter was still in operation, it was opined that it would be ~~operative~~ ^{affroprnab} ~~that respondents render apology~~ ^{today} or ~~tendering apology by the respondents~~. The learned counsel for the respondents also stated at the bar that he would instruct the respondents to act accordingly. However, when the case came up before us again, after hearing the learned counsel for the petitioner and the learned Sr. Standing Counsel appearing for the respondents and on perusal of the order sheet of the OA we are convinced that there was no necessity of ~~vacation~~ ^{or allusion}

or to initiate any action against the respondents under the contempt of Courts Act as they have not defied any of the orders of the Tribunal.

2. Shri Laxmi Narain, the learned counsel for the petitioner stated that the order of stay was granted by a judicial order and until that is vacated by another judicial order, it should be deemed to be continuing.

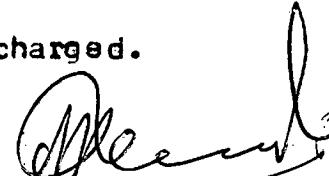
We are not able to accept this argument. Once an order ^{is passed} is passed to be valid only for a particular date, unless it is extended by judicial order, it ~~is~~ ceases to be operative beyond that date.

3. Since the order for maintenance of status quo was ~~not~~ extended beyond 28.2.95 and nothing stands in the way in respondents repatriating the petitioner.

Therefore, their action does not amount to contempt.

In the light of discussion made hereinabove, the contempt petition is dismissed and notices discharged.

N.K.V.
(N.K. Verma)
Member (A)


(A.V. Haridasan)
Vice-chairman