

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

O.A.261/86

Shri Mamraj Z.Parcha,  
C/o.Pratiraksha Mazdoor Sangh,  
H 28/5,Ordnance Factory,  
Ambernath Estate,  
Dist.Thane 421 502.

.. Applicant

vs.

1. General Manager,  
Machine Tool Prototype Factory,  
Ambernath,  
Dist.Thane 421 502.

2. Director General,  
Ordnance Factories,  
Ministry of Defence,  
South Bock,  
New Delhi.

.. Respondents

Coram: Hon'ble Member(J)Shri M.B.Mujumdar

Hon'ble Member(A)Shri M.Y.Priolkar

Appearances:

1. Mr.D.V.Gangal  
Advocate for the  
Applicant.
2. Mr.S.R.Atre,  
(for Mr.P.M.Pradhan)  
Advocate for the  
Respondents.

Tribunal's Order:

Date: 23.2.1989

By this we are disposing of Contempt Petition  
No.48/88 and Misc.Petition No.173/89.

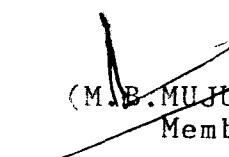
2. By order dtd. 30.9.1988, O.A.400/87 filed by the applicant Shri Mamraj Z. Parcha was disposed of. A copy of the judgment is attached at Ex.'A' at page 8 to 10 of the Contempt Petition. After going through the judgment we find that the order by which the applicant was removed from service was set aside and he was directed to be reinstated in service. No time limit for compliance was laid down in the judgment. The respondents had filed Special Leave Petition in the Supreme Court. But it was rejected on 23.1.1989. Thereafter they issued reinstatement order on 15.2.1989

and the applicant joined service on 17.2.1989. Hence we do not find that there is any disobedience of the order passed by this Tribunal on 30.9.1988.

3. Mr.Gangal, learned advocate for the applicant, submitted that the respondents have not paid the backwages and hence there is disobedience of the order of this Tribunal. But after going through the entire judgment we do not find that that there was any specific order for paying the backwages. Hence no action under the Contempt of Courts Act can be taken against the respondents. Contempt Petition No.48/88 is rejected.

4. The applicant has filed Misc.Petition No.173/89 for directing the respondents to pay arrears of wages to the applicant from 4.2.1984 till 16.2.1989. 4.2.1984 is the date on which the applicant was removed from service. As already pointed out he was reinstated in service on 17.2.1989. Mr.Gangal did not press this petition and hence we dispose it of. However, the applicant will be at liberty to take such action according to law regarding backwages as he deems fit. Misc.Petition No.173/89 is disposed of.

  
(M.Y.PRIOLKAR)  
Member(A)

  
(M.B.MUJUMDAR)  
Member(J)

9.6.89  
Received on 9.6.89 By Hand/Post  
Inward No. ... HNS

TELE: ADD. "SUPREMCO"

OA 26/86  
401/87  
401/87

D.NO.2217/1988 /SEC.IX  
SUPREME COURT OF INDIA  
NEW DELHI.

DATED: 5th May, 1989

From:-

The Registrar(Judicial)  
Supreme Court of India,  
New Delhi.

To

The Registrar,  
Central Administrative Tribunal,  
Near Bombay Bench  
at New Bombay.

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS 15796/ OF 1988  
(Petition under Article 136 of the Constitution of India  
from the Judgment and Order dated 30th September, 1988  
of the High Court of Justice at Central Administrative Tribunal  
New Bombay at New Bombay in O.A. Nos. 261/86 & 400 & 401/87

Union of India & Ors.

.....PETITIONER(S)

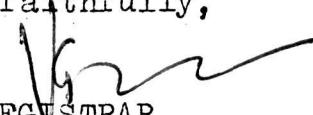
VERSUS

1. Sh. Memraj Z. Bercha & Ors.  
2. Sh. Madhukar Keshav Budhkar  
3. Shri Nelson  
Sir,

.....RESPONDENT(S)

I am directed to inform you that the Petitions  
above-mentioned filed in the Supreme Court <sup>were</sup> dismissed  
by the Court on 23rd January, 1989.

Yours faithfully,

  
FOR REGISTRAR.

msb.