

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P. No. : 85/2001 IN O.A. No. 1059/96.

Dated this Friday, the 4th day of January, 2002.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A)

Hon'ble Shri Justice B. Dikshit, Vice-Chairman.

Hon'ble Shri B. N. Bahadur, Member (A)

Smt. S.C. Ghadigaonkar

Petitioner.

(By Advocate Shri S. P. Kulkarni)

VERSUS

1. Shri T. V. Rao,
General Manager (H.Q.),
Dept. of Telecom,
O/o. CGM, Fountain-II Bldg.,
Fort, Hutatma Chowk,
Mumbai - 400 001.

(On deemed deputation to Bharat
Sanchar Nigam Limited).

2. Shri Nirmal Swaroop,
the then CGM Telecom,
(Now) Chief General Manager,
BSNL, Fountain-II Bldg.,
Fort, Hutatma Chowk,
Mumbai - 400 001.

Contemnners.

(By Advocate Shri S. S. Karkera)

TRIBUNAL'S ORDER :

According to the arguments advanced by Learned Counsel for Applicant, there is wilful disobedience of final order passed in O.A. No. 1058/96, 1059/96 and 1060/96 on 10.03.1996

B. N. Bahadur

2. We have perused the order. It appears from the order that there was some interim order. However, the Applicant was promoted as Junior Accounts Officer on ad hoc basis for a period not exceeding 80 days vide order dated 19.12.1996. On promotion he was posted on a purely temporary and local officiating basis with special allowance of Rs. 50/- per month and it was made clear that the promotion will not bestow any claim for further promotion or seniority in the cadre of Jr. Accounts Officer. The promotion order also stated that it was subject to final outcome of the O.A. pending in C.A.T., Mumbai Bench. It appears from final order that the order dated 19.12.1996 was passed for giving effect to interim order, as the Applicant in the O.A. prayed that she may be allowed to officiate as Junior Accounts Officer till the regular candidate is made available. This Tribunal directed accordingly vide order dated 19.12.1996. The officials impleaded as Respondents in the O.A. complied with the directions of the Tribunal and, therefore, this Tribunal held that the O.A. has become infructuous and dismissed it accordingly. Now the learned Counsel for Applicant contends that after the O.A. became infructuous, the official respondents reverted the applicant.

3. Once the O.A. was dismissed as infructuous in view of Respondents' order dated 19.12.1996 promoting applicant, we are of opinion that it cannot be said that there is wilful disobedience of final order as no direction was given by the B.Vint
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Tribunal. However, in case the applicant is aggrieved by the reversion by some order passed subsequent to dismissal of O.A., then she may seek appropriate remedy, if under law it is available to her but no action of wilful disobedience of order constituting contempt of order arise.

4. We make it clear that we are not expressing any opinion to the argument of the Learned Counsel for applicant that the order was passed so that the O.A. may become infructuous before it could be heard on merits. As we do not consider it necessary to go into this question to determine the grievance of the applicant that the order has been wilfully disobeyed.

5. For the aforesaid reason, the C.P. is dismissed.

B. Bahadur

(B. N. BAHADUR)
MEMBER (A).

B. Dikshit

(BIRENDRA DIKSHIT)
VICE-CHAIRMAN.

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