

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

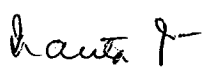
C.P. No.117/2001
in OA No.657/2000

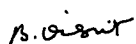
Dated: 5th march, 2002

It has been brought to our notice that High Court of Judicature at Bombay by order dated 19.12.2001 has granted interim stay in respect of our order dated 22.6.2001, which is subject matter of this C.P. The interim order has been passed in WP No.2475/2001 Shri M.Y.Shaikh and ors. Vs. Benjamin A.Rodrigues and ors. connected with WP No.2531/2001 Union of India Vs. Mr.Benjamin A.Rodrigues. As the said position is not in dispute, we are of the opinion that no contempt proceedings can be initiated against respondents at this stage in view of interim order of High Court. Thus, CP is liable to be dismissed under said circumstances but it is to be kept open for applicant to raise his grievance against respondents, if any, in case the interim stay is vacated or Writ Petition is decided in his favour.

The learned counsel for applicant has argued that if notice is not issued despite interim order of the High Court and CP is dismissed and proceedings are dropped then bar of limitation may be there. There is no force in this argument. The period between grant of interim order and its vacation can be excluded for computing limitation for initiating proceedings in such matters but, so far as the scope of power of this Tribunal is concerned, we cannot issue notice on CP as the High Court has already granted interim stay in respect of order.

Subject to above, the CP is dismissed at this stage.


(SMT. SHANTA SHASTRI)
MEMBER (A)


(BIRENDRA DIKSHIT)
VICE CHAIRMAN