

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

C.P. 44/95

in

O.A. 72/95

V.B. Kharat & 4 Others ... Applicants

v/s

Shri M. Vijay Unni
Registrar General India & Anr. ... Respondents

CORAM : 1) Hon'ble Shri B.S. Hegde, Member (J)
2) Hon'ble Shri P.P. Srivastava, Member (J)

APPEARANCE : 1) Shri M.A. Mahale, counsel for the
Applicants.
2) Shri R.K. Shetty, counsel for the
Respondents.

Tribunal's orders

Date: 30.6.95

(Per: Hon'ble Shri B.S. Hegde, M(J)).

1. Shri V.B. Kharat and 4 others have filed C.P. 44/95 in O.A. 72/95 stating that the Respondent No. 3 has committed a contempt of Court in not complying with the orders of the Tribunal vide dated 25-1-1995.

2. The Tribunal vide its order dated 25-1-1995 after hearing the Applicants' counsel issued notice for admission and interim relief returnable on 8-2-1995 with orders of status quo in the meanwhile. The matter came up for hearing on 8-2-1995. After hearing the counsel for the parties, the Tribunal continued the interim orders passed earlier and listed the matter for admission on 24-2-1995. On 24-2-1995, the O.A. was admitted and it was ordered for completing the pleadings before the

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Registry and keeping it thereafter in 'sine-die' list with the interim orders already granted to be continued till further orders. Again on 24-4-1995, status-quo was ordered to continue till 12-6-1995.


3. Accordingly, they prayed for a direction to the Respondents as not to revert the Applicants to the post of Chowkidar. On receipt of notice of the Tribunal, the Respondents have filed their reply to O.A. on 26-2-1995 denying the contentions of the Applicants. The main contention of the Applicants in this C.P. is that, till the O.A. was admitted by the Tribunal, the Applicants were not served with the reversion order passed on 23-1-1995. It is contended by the applicants' counsel Shri Mahale that despite the status quo order, the Applicants have been reverted to the post of Chowkidar, thereby the Respondent No. 3 has committed a contempt.

3. The fact is that the Applicants deliberately remained absent from 23-1-1995 to 25-1-1995 without giving any prior intimation or taking any permission from their superiors; therefore, their absence on those two days was without prior^o sanction.

4. It is seen that the reversion order was issued on 23-1-1995 and the same was despatched to the Applicants on the very same day by post as the Applicants were not available. This was also displayed on the notice board whereas the interim order for status-quo in this case was given on 25-1-1995.

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4. We have considered the matter and find that no contempt has been committed by the Respondent No. 3 in view of the fact that the reversion order was passed earlier than the ad-interim status quo order. Accordingly, no contempt is made out and the C.P. is discharged.



(P.P. Srivastava)
Member (A)



(B.S. Hegde)
Member (J)

ssp.