

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P. NO.: 114/2002 IN O.A. NO.: 1086/98.

DATED : 24.04.2003.

Rajan J. Beley

Petitioner
(Original Applicant)

(By Advocate Shri M.S. Ramamurthy)

Versus

Union of India & Ors.

Respondents
(Original Respondents)

A N D

1. Shri M. K. Zutshi.)
2. Shri C. S. Rao.)

Contemners.

(By Advocate Shri M. I. Sethna
alongwith Shri V. D. Vadhavkar)

Coram: Hon'ble Shri A.S. Sanghvi, Member (J)
Hon'ble Shri Shankar Prasad, Member (A)

Tribunal's Order:

Date: 24.4.2003

Heard the Learned Counsel, Shri M. S. Ramamurthy for the applicant and Shri M. I. Sethna alongwith Shri V. D. Vadhavkar, Learned Counsel for the Respondents.

2. The Contempt Petitioner is complaining about the non-implementation of the order passed by the Tribunal in the O.A. The Contempt Petition is filed on 09.12.2002 and the cognizance of the same is taken by the Tribunal on 16.01.2003, when the order of the Tribunal for notice on C.P. was passed. Shri M. I. Sethna, Learned Counsel for Respondents submitted that the respondents had already preferred a Writ Petition No. 58/2003 before the Hon'ble High Court which was presented on 05.10.2002 and the interim relief was granted on 27.02.2003. Shri M. I. Sethna, Learned Counsel for Respondents submits that since the stay of the operation of the order of the Tribunal was granted on 27.02.2003 and since then the stay has continued, the contempt

petition could not have been filed. According to him, the C.P. even if filed earlier, does not survive in view of the stay granted by the Hon'ble High Court. Shri Ramamurthy, however, disputes the say of Shri M. I. Sethna and submits that C.P. was filed earlier than the orders passed in the Writ by the Hon'ble High Court and as such it cannot be said that Contempt Petition does not survive. According to him, the C.P. may be adjourned sine-die till the disposal of the Writ by the Hon'ble High Court so that if applicant succeeds in the High Court he may not have to file the contempt petition again.

3. We have considered the rival contentions. It appears that the contempt petition was filed earlier than the orders of the stay issued by the Hon'ble High Court. If C.P. had been filed after the orders were passed, then naturally it could not have been entertained by the Tribunal. However, once the cognizance is taken of the C.P. and notice was issued and subsequent to that cognizance having been taken and stay received, the contempt petition cannot be thrown away on this ground. We, therefore, direct the Registry to list the contempt petition in the sine die list and to revive the same once the Writ Petition is finally decided by the Hon'ble High Court.

(SHANKAR PRASAD)
MEMBER (A).

(A. S. SANGHVI)
MEMBER (J).

CAT/MUM/JUDL/3912
3913

Date: 2-5-73

Copy to :

1. Shri M.S. Ramamurthy, Adv. for the Applicant.

2. Shri M.I. Sethna, Adv. for the Respondents.

Submitted True Copy
Date: 1/5/73

Central Admin. Tribunal
Bench

S.P.

Despatched on 2-5-73

CHER

*Received in Court
2/5/73*