

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

...

Date of Decision: 15.9.93.

TA 2151/86
(CM 15/85)

UNION OF INDIA & ORS. ... APPLICANTS.

V/s.

PEETAMBER & ORS. ... RESPONDENTS.

CORAM:

HON. MR. B.B. MAHAJAN, MEMBER (A).
HON. MR. GOPAL KRISHNA, MEMBER (J).

For the Applicants ... SHRI G.P. SORAL.

For the Respondents ... NONE.

PER HON. MR. B.B. MAHAJAN, MEMBER (A).

The Union of India had filed an appeal against the order of the learned Munsif, Kota (East), dated 21.2.85, by which they have been asked to pay Rs.500/- as damages to the respondents. The Appeal has been transferred to this Tribunal u/s 29 of the Administrative Tribunals Act, 1985, and has been registered as TA.

2. S/Shri Peetamber, Suresh Chand and Heera Singh, filed a Civil Suit in the court of the learned Munsif, Kota (East), for a permanent injunction against the appointment of any person as Ticket Collector. The learned Munsif issued an interim order on 29.2.84 for maintaining status-quo, which was extended from time to time. On 3.8.84, the Sr. Dvl. Commercial Supdt., applicant No.3, issued a notice inviting candidates for interview to be

held on 30.8.84. Subsequently, this notice was withdrawn on 24.8.84. In the meanwhile, the respondents/plaintiffs in the suit had filed an application under Order 39 Rule 2A of the CPC. The learned Munsif vide order dated 21.2.85 held that no orders for committing the petitioner to civil prison or attachment of the property can be passed because of the withdrawal of the notice for interview and as such no dis-obedience was committed of the interim order of the court. He however ordered that the amount of Rs.500/- would be paid to the plaintiffs in the civil suit by way of costs.

3. None is present on behalf of the respondents although the case was listed for hearing today. We have heard the learned counsel for the applicants and perused the order of the learned Munsif. The learned Munsif has passed this order on the presumption that the order dated 24.8.84 withdrawing the notice for interview was issued only because the plaintiffs had filed an application under Order 39 Rule 2A of the CPC on 22.8.84. The applicants in the TA had explained in their reply to the application that decision to withdraw the notice for interview was taken on 17.8.84 i.e. well before the application under Order 39 Rule 2A of the CPC was filed. This fact was lost sight of by the learned Munsif while passing the impugned order. Since the learned Munsif had come to the conclusion that no wilful dis-obedience was committed, there was no justification for awarding Rs .500/ as costs.

4. In view of this, we allow this TA and set aside the order of the learned Munsif dated 21.2.85 in so far as

the award of Rs.500/- as costs is concerned. The parties to bear their own costs.

G.Krishna
(GOPAL KRISHNA)
MEMBER (J)

B.B. Mahajan
(B.B. MAHAJAN)
MEMBER (A)