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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JODHPUR BENCH,
AT JAIPUR.

Date of decision: December 13, 1988.

T.A. No.1329/86

UNION OF INDIA & ANOTHER

... Petitioners.

Mr. Vineet Kothari

... Advocate for the
petitioners.

Versus

SHRI R.C. Goswami

... Respondent.

Mr. D.P.Garg

... Advocate for the
respondent.

CORAM:

The Hon. Mr. B.S.Sekhron, Vice Chairman.

The Hon. Mr. G.C. Singhvi, Admn. Member.

B.S. SEKHON.

The instant appeal, since rechristened as T.A., is directed against the order dated May 3, 1982 passed by the Munsif, Ajmer (East), Ajmer City in civil miscellaneous application No.89/1982 entitled "R.C. Goswami v. Union of India and another". By virtue of the order appealed against, the learned Munsif had granted a temporary injunction restraining the defendants from implementing ~~the~~ order No.Est/E-1/Anomaly/81-82/3414 dated March 6, 1982 and from making any recovery out of the pay of the plaintiff-respondent on the basis of the order dated March 6, 1982.

2. The appellants-defendants have branded the aforesaid order as illegal, erroneous and not maintainable in the eyes of law. According to the appellants-defendants the learned Munsif has wrongly taken the view that the plaintiff-respondent has a prima facie case, the balance of convenience lies in his favour and he would suffer an irreparable injury due to stepping down of pay and that he has not considered the basic principles of stepping^{up}/of pay and anomaly as laid down in the Ministry of Finance

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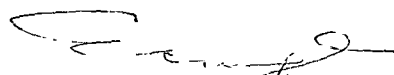
(Department of Revenue & Insurance), New Delhi's letter No.F.110/32/71-Ad.IX dated June 12, 1975.

3. We have heard arguments addressed by the learned counsel for the parties and have also considered the impugned order, grounds of appeal and the relevant records.


4. It may be stated at the very out-set that granting or refusal to grant a temporary injunction is an exercise of discretionary power. The exercise of such a discretionary power is liable to be interfered with if the power is shown to have been exercised perversely or the order in question is found to be tainted with patent illegality.

5. We are unable to persuade ourselves that in the facts and circumstances obtaining in this case, the order dated May 3, 1982 can be regarded as perverse or can be said to be tainted with patent illegality. That being so, the instant appeal does not merit acceptance.

6. Consequently, the T.A. is hereby rejected. This order will not have any effect on the merits of either party's case in T.A. No.158/87 entitled "R.C. Goswami v. Union of India and another" arising out of suit No.192/82. No order as to costs.


(G.C. Singhvi)

Admn. Member.
13-12-88.


(B.S. Sekhon)
Vice Chairman.

13-12-88

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Adm.
C. for Admn. Secy
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Resp. (R.C. Goswami)
vide No. 6108 of 22.2.88
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