

173

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JODHPUR BENCH,  
AT JAIPUR.

Date of decision: December 13, 1988.

T.A. No.1331/1986

UNION OF INDIA & ANOTHER.

... Petitioners.

Mr. Vineet Kothari

... Advocate for the  
petitioners.

Versus

SHRI S.B.CHATURVEDI

... Respondents.

Mr. D.P.Garg

... Advocate for the  
respondent.

CORAM:

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

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

B.S. SEKHON.

Aggrieved by the order dated October 5, 1982 passed by the Munsif Ajmer (East) in civil miscellaneous application No.238/82 entitled "Shri S.B.Chaturvedi v. Union of India and another", the defendants-respondents have filed the instant appeal in the court of District Judge, Ajmer. By virtue of the order appealed against, the learned Munsif had granted a temporary injunction restraining the defendants from implementing order No.Est/E-1/Anomaly/81-82/3412 dated March 6, 1982 and from making any recovery out of the pay of the plaintiff-respondent on the basis of the aforesaid order.

3-12-88  
Ce  
13/12/88

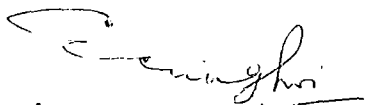
2. The appellants-defendants have branded the aforesaid order as illegal, erroneous and not maintainable in the eyes of law. According to the appellants-defendants the learned Munsif has wrongly taken the view that the plaintiff-respondent has a prima facie case, the balance of convenience lies in his 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


18312 ✓


anomaly as laid down in the Ministry of Finance (Department of Revenue and Insurance), New Delhi's letter No.F.110/32/71-AD.IX dated June 12, 1975.


3. After hearing arguments for and against the order appealed against and considering the relevant records including the order appealed against and grounds of appeal, we are of the view that the impugned order cannot be deemed to be either perverse or suffering from any patent illegality. It is common-place that it is discretionary with the trial court to grant or refuse a temporary injunction. No doubt such a discretionary power is to be exercised judiciously and in accordance with the well settled principles including the three ingredients. Such an order made by the trial court is liable to be interfered with in appeal in case it is found to be perverse or suffering from patent illegality. Such being not the case here, the appeal is held to be devoid of merit.

4. 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.171/87 entitled "S.B. Chaturvedi v. Union of India and another" arising out of suit No.478/82. No order as to costs.

  
(G.C.Singhvi)  
Admn. Member.  
13-12-88

  
( B.S.Sekhon)  
Vice Chairman.  
13-12-88

Recd copy  
C of  19/12/88

Copy of decision sent to the -  
Resp. C.S.B. Chaturvedi)  
vide  6107 25 22/12/88  
22/12