

C.P. NO. 9 /93 in O.A.No. 594/99

Date of O.A. 22-2-94.

Between:

1. Sri Syed Basha.
2. N.Nagaraju.

... Applicants.

and

1. Sri D.C.Misra, General Manager,
S.C.Railway, Railnilayam, Secunderabad.
2. Sri Murugan, Chief Personnel Officer,
S.C.Railway, Railnilayam, Secunderabad.
3. Sri S.Narayana Swamy, Chief Signal & Telecom Engineer,
S.C.Rly, Railnilayam, Secunderabad.

.. Respondents.

For the Applicants: Mr. V.Venkateswar Rao, Advocate

For the Respondents: Mr.D.Gopal Rao, SC for Rlys.

CORAM:

THE HON'BLE MR.A.B.GORTHY : MEMBER(ADJ)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY : MEMBER(JUDGE)

The Tribunal made the following Order:-

In this contempt petition the allegation is that the respondent dis-obeyed the order dt.30.10.92. The respondents in their counter have stated that as the issue involved in the judgment has a wide repercussion, the respondents have referred the matter to Railway Board which in turn after taking legal opinion, filed SLP before the Supreme Court on 16.3.93. According to Mr.D.Gopal Rao, Standing counsel for the respondents, the SLP has been posted for orders on 7th March. Therefore he seeks an adjournment to some date after 7th March.

2. Opposing the adjournment sought by the respondents' counsel, Mr. V.Venkateswarao learned counsel for the Contempt Petitioner states that the respondents are unjustifiably delaying the implementation of the order dt.30.10.92, and that the mere fact that the respondents filed a SLP before the Supreme Court, does not confer upon them the right to delay the implementation of the judgment.

3. Heard learned counsel for both the parties. We direct the respondents to ensure that our order dt. 30.10.92 is complied with on or before 20th March, 1994. It is needless for us to add that in the implementation of our judgment the respondents will be guided by the orders of the Supreme Court, if any issued in the meantime in the SLP pending before the Supreme Court. Post the case for orders on 21-3-94.

15.3.94
Deputy Registrar(J) CC

30-10-92

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

C.P.NO.9 of 1993 in O.A.No.594 of 1990.

Between

Dated: 15.4.1994.

1. Sri. Syed Basha.

2. Sri. N.Nagaraju.

... Petitioners/Applicants
And

1. Sri. D.C.Misra, General Manager, South Central Railway,
Railnilayam, Secunderabad.

2. Sri. Murugan, Chief Personnel Officer, South Central Railway,
Railnilayam, Secunderabad.

3. Sri. S.Narayanaswamy, Chief Signal & Telecom Engineer, South
Central Railway, Railnilayam, Secunderabad.

... Respondents

Counsel for the Applicants : Sri. V.Venkateswara Rao

Counsel for the Respondents : Sri. D.Gopala Rao, SC for Rlys

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

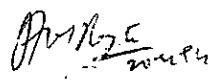
Hon'ble Mr. T.Chandrasekhar Reddy, Judicial Member

The Hon'ble Tribunal made the following order:-

Heard. Mr. V.Venkateswara Rao, for the Contempt Petitioner.

He had shown us a copy of the order of the Supreme Court dated 4.3.94 under which a direction has been given that "the Contempt proceedings alone shall remain stayed". Mr. Venkateswara Rao. urges that the Supreme Court did not stay the operation of the judgement but only stayed contempt proceedings arising out of non-compliance with the judgements. He therefore states that a further direction should be given to the respondents to comply with our judgement in O.A. 594/90.

Vide our earlier order dated 22.2.1994 we had already directed the respondents to ensure that our order in O.A.594/90 is complied with on or before 20.3.94. In the meantime Hon'ble Supreme Court vide order dated. 4.3.94 stayed contempt proceedings as already stated. Under these circumstances we consider that it is needless for us to once again direct the respondents to comply with our judgement in O.A.594/90. This C.P. may now be listed for orders after the stay is vacated by the Supreme Court.


Deputy Registrar(Judl.)

Contd: ...2/-

Copy to:-

1. Sri. D.C.Misra, General Manager, South Central Railway, Railnilayam, Secunderabad.
2. Sri. Murugan, Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. Sri. S.Narayana Swamy, Chief Signal & Telecom Engineer, South Central Railway, Rail Nilayam, Secunderabad.
4. One copy to Sri. V.Venkateswara Rao, advocate, CAT, Hyd.
5. One copy to Sri. D.Gopala Rao, SC for Rlys, CAT, Hyd.
6. One spare copy.

Rsm/-

2/10
20/4/94

C.P. 9/93
O.A. 594/90

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APPROVED BY

Pending Case

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (AD)
AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 15/4/1994

ORDER/JUDGMENT

M.A./R.A./C.A. No. 9/93

in

O.A. No. 594/90

T.A. No. (w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

Central Administrative Tribunal
DESPATCH
21 APR 1994
HYDERABAD BENCH.