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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

M.A.No.157/96 & M.A.No.6/96

in
OA No.534/91

Date of order: 4-4-96.

Between

1. Union of India,
rep. by Chairman, Railway Board,
New Delhi-1.
2. Union of India,
rep. by the General Manager,
South Central Railway,
Secunderabad.
3. Chief Personnel Officer,
S.C.Rly., Secunderabad.

Applicants (in both the MAs)/
Respondents in the OA.

A N D

1. Syed Ahmed Basha
and 89 others.

... Respondents/ Applicants in the OA.

For the Applicants: Mr.V.Rajeswar Rao, ~~Ad~~ SC for Rlys.

For the Respondents: Mr. G.Ramachandra Rao, Advocate.

CORAM:

THE HON'BLE MR.M.G.CHAUDHARI : VICE-CHAIRMAN

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

(139)

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O R D E R

(As per Hon'ble Sri Justice M.G. Chaudhari, VC)

The applicants, herein ^{Ori} (OA respondents) pray for amending the earlier M.A. 6/96 so as to seek extension of time for implementing the order in the O.A. dated 21-7-95 by six months from 12-12-95. By the original judgement, time of four months was stipulated for compliance from the date of communication of the order. According to the learned counsel for the ^{Ori} OA applicants, the order was received by the ^{Ori} OA respondents on 11-8-95. The period of four months on that basis was over by 11-12-95. That is why the extension is prayed for from 11-12-95 ^{onwards}. Mr. Rajeswara Rao, learned counsel for the ^{Ori} OA respondents has now produced before us a copy of the SLP filed by the ^{said} OA respondents in the Hon'ble Supreme Court against the judgement in the OA. From the covering letter it is noticed that SLP has been filed on 15-2-96 and an application for condonation of delay and stay has also been filed. It appears that so far no orders have been passed by the Supreme Court on those proceedings. Since the SLP was filed within the time which was prayed to be extended by MA 6/96 and a reasonable time has to be allowed for the respondents to seek necessary interim orders in as much as the SLP was filed on 15-2-96, ^{we} ~~We~~ think that we need not take any harsh view about the non-compliance of the order till this date. Mr. G. Ramachandra Rao, learned counsel for the ^{Ori} OA applicants is well justified in contending that the respondents could not assume that the time for implementation would be automatically extended and simply because they choose to file the SLP ^(though have not) ~~but did not~~ obtain any orders from the ^{Supreme} ~~Supreme~~ Court) they ^{need} ~~could~~

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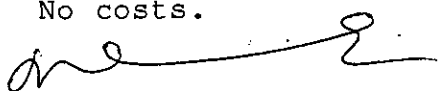
not implement the orders of this Tribunal is an untenable attitude. We would like to make it clear that where time is stipulated by this Tribunal and extension of time has not been granted or obtained and if within that time interim order is not obtained from the Supreme Court the mere circumstance that the respondents intend to file an SLP or might have actually filed it but no orders have been obtained, does not ^{entitle} ~~entail~~ them to postpone the operation of the order of the Tribunal. Strictly speaking we see little justification for the respondents to have avoided to implement the order as they have not taken timely steps to obtain orders from the Supreme Court. Nevertheless since the SLP has actually been filed and the applicants herein (^{one} ~~OA~~ respondents) have already filed an application for extension of time, we are inclined to take a lenient view in this matter and grant ^{further} ~~for~~ extension of time as requested. Accordingly MA 157/96 is allowed. Time for implementation of the original order is extended by six months from 12-12-95 i.e. upto 11-6-96 subject, however, to any orders passed by the Supreme Court in the meantime. It is made clear that if an order of stay is not obtained from the Supreme Court and even then the original order is not implemented during the aforesaid extended time, ^{the original} ~~OA~~ applicants would be at liberty to adopt such proceedings as they may be advised.


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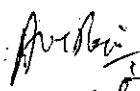
2. M.A. 6/96 is accordingly disposed of.
3. The learned counsel for the ^{ori} ~~OA~~ respondents assures that he will place a xerox copy of the SLP and the covering letter on record of this OA, within one week. On that assurance the copy produced today is returned to him.
4. No costs.


(R. Rangarajan)
Member (Admn.)


(M.G. Chaudhari)
Vice-Chairman

Dated the 4th day of April, 1996.
Dictated in open court

mhb/-


Deputy Registrar (D) cc