

8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA 123/96 & RA 18/96

IN

O.A.552 of 1996.

Date of Order:15-3-96.

P.Srimannarayana Murthy

Vs.

... Applicant/Petitioner

1. The Union of India Represented
by the Secretary (and Chairman) Dept.,
Road, Bangalore. Headquarters. New Delhi

2. The Director,
Master Control Facility,
Indian Space Research Organisation,
Karnataka State.

... Respondents/Respondents

-- -- --

Counsel for the Applicant : Sri M.V.S.Sai Kumar

Counsel for the Respondents : Sri V.Bhimanna, Addl.CGSC

CORAM:

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

THE HON'BLE SHRI M. RAJENDRA PRASAD

hsc

2

8 -- --

... 2.

MA 123/96 & RA 18/96

in

O.A.552/95.

Dt. of Order:15-3-96.

(Per Hon'ble Justice Shri M.G.Chaudhari, Vice-Chairman).

-- -- --

By order dt.24-1-96, by which the O.A. was disposed of, it was directed that if the applicant reports for duty by 12-2-96 in the office of the Respondent No.2 then it was open ~~to the Respondent No.2~~ either to allow the applicant to attend to duty or to keep him under suspension pending contemplation of enquiry. The applicant now states in the M.A. that although he reported ^{to} duty at Hasan on 9-2-1996 before the Respondent No.2, the authorities ~~did not allowed~~ him to join on the plea that they were intending to file a Review Application before the Tribunal. If it is true that the Respondent No.2 did not permitted the applicant to join, it is clearly in breach of the direction. ~~In~~ as much as the Respondent No.2 did not choose the option of putting him under suspension immediately. Thus none of the two courses left open by the order were followed.

2. The mere ground of contemplated filing of Review does not have the effect of staying the operation of the Original order. If the respondents were desirous of obtaining the stay, they had to do so either by filing a Review Application and applying for stay or by a separate application immediately after the date of the order and in any event even before the last date mentioned i.e. 12-2-96. Sri V.Bhaimanna, learned counsel for the Respondents submits that the respondents have already lodged Review Petition

hmr

(10)

and in view of the same they are seeking time to implement the original order. As and when the Review Application will be heard, it will be considered on merits and mere filing of the Review Petition does not operate as stay and we are not inclined to stay the operation straight away today until the Review Application is heard, as that is not permissible in Law. Moreover there is nothing to stay as the date mentioned in the Order viz., 12-2-96 ^{is} ~~has~~ already over.

3. The Respondents applied for interim stay on 29-2-96 and although the applicants counsel was served, none was present to 10-5-96 for implimentation of the original order. Having noted above, regard to the facts ^{noted above,} that order could not take effect retrospectively to stop what was required to be done by 12-2-96. Hence continuing that order is of no material consequence. Hence the same is required to be vacated.

4. The learned counsel for the applicant Ms. Anuradha submits that as the interim order mentioned above was passed after filing of the MA 123/96 (Implementation Petition), she has tendered a review application on 14-3-96 seeking review of the interim order dt. 29-2-96, mentioned above. It appears that owing to some office objections the reivew application has been returned to the counsel which she has produced now before us. For the reasons for which we are inclined to vacate the order dt. 29-2-96, we take the review application on record and dispose it of by vacating the interim order dt. 29-2-96. The office objections are waived.

Copy to:-

1. Secretary(and Chairman),
Department of Space (ISRO), Headquarters,
Union of India, New Delhi,
2. The Director, Master Control Facility,
Indian Space Research Organisation,
HASAN-573 201.
3. One copy to Mr. M. V. S. Sai Kumar, Advocate, CAT. Hyd.
4. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT. Hyd.
5. One copy ~~to~~ Spare.

kku.

18-3-76


(11)

The office is directed to register the Review Application for the purpose of record and number it. A copy of the Review Application having been supplied to Sri V. Bhimanna, standing counsel for Respondents, the notice is treated to have been waived. In the result, following order is passed :-

- (i) The interim order dt. 29-2-96 in MA 175/96 is hereby vacated;
- (ii) The Respondents not having complied with the original direction by the time specified viz., 12-2-96 and as there does not arise any question of staying the operation of the order, the respondents will be well advised to implement the original order at the earliest, within a period of one month from the date of receipt of copy of this order. The MA 123/96 is disposed of accordingly;
- (iii) The Review Application filed by the Respondents to proceed in accordance with the law;
- (iv) The directions in the above clauses shall be followed by the Respondents in the furtheration at the time of hearing the Review Application filed by the Respondents.

5. There will be no order as to costs.


(H. RAJENDRA PRASAD)
Member (A)


(M. G. CHAUDHARI)
Vice-Chairman

Dated: 15th March, 1996.
Dictated in Open Court.


Dy. Registrar (Judl)

avl/