

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

(7)

MA 585/95 (TA 22/88)

O.A. No.

199

T.A. No.

DATE OF DECISION 23.5.96

6. Kishan **Petitioner**  
Mr. K.C. Sharma **Advocate for the Petitioner (s)**  
**Versus**  
Union of India and others **Respondent**  
Mr. Manish Ehandari **Advocate for the Respondent (s)**


**CORAM :**

5 **The Hon'ble Mr. GOPAL KRISHNA, VICE CHAIRMAN (JUDICIAL)**

**The Hon'ble Mr. O.P. SHARMA, ADMINISTRATIVE MEMBER**

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

  
(O.P. SHARMA)  
ADMINISTRATIVE MEMBER

  
(GOPAL KRISHNA)  
VICE CHAIRMAN (JUDICIAL)

**In The Central Administrative Tribunal  
Jaipur Bench, Jaipur**

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OA./TA/MP. No.....199

*Kishan*

Versus

*u.o.*

Date of Order	Orders
<p align="center">23.5.96</p>	<p>MA 505/95 (TA 22/88) Orders</p> <p>Mr. F.C. Sharma, counsel for the applicant Mr. Manish Bhandari, counsel for the respondents</p> <p>This is a Misc. Application by Shri Kishan under Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987, in which the applicant has prayed, inter-alia, for a direction to the respondents to reinstate the applicant in service immediately, make payment of the pay and allowances to him for the period from 26.8.70 to 25.8.73, pay and allowances till the date of his reinstatement and various other consequential benefits as per the order of the Tribunal passed on 14.8.92 in TA 22/88, Kishan v. Union of India and others.</p> <p>2. It has been stated in the present application that after receipt of the order of the Tribunal, by which the termination of the applicant was set aside and directions were given to make payment of pay and allowances to him for the period of termination with all consequential benefits, the applicant made various applications to the concerned authorities for necessary action on the basis of the Tribunal's order but there was no response from the respondents. Therefore, he has approached the Tribunal by filing the present Misc. Application for securing relief as ordered to be granted by order dated 14.8.92, passed by the Tribunal in TA 22/88.</p> <p>3. During the arguments, the learned counsel for the applicant stated that in the matter of dealing with the service matters of the employees of the Union of India and certain other officials, referred to in the Administrative Tribunals Act, 1985, the Tribunal has the same powers and authority as exercised by the High Court under Article 226 of the Constitution. Therefore, regardless of when an order granting benefits to an employee is passed, the Tribunal can issue necessary directions for implementation of the order. He has drawn attention to Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987, according to which, the Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice. He, however, admits that the applicant did not file any Contempt Petition as envisaged by Section 17 of the Administrative Tribunals Act, 1985.</p> <p>4. We have heard the learned counsel for the parties and have perused the records.</p> <p>5. It is true that in service matters relating to employees of the Union of India and certain other categories of employees, referred to in the Administrative Tribunals Act, 1985, the Tribunal exercises the same powers as exercisable by the High Court for redressal of their grievances. However, the powers available to the Tribunal under Article 226 of the Constitution are to be exercised subject to the provisions of the Administrative Tribunals Act and the Rules framed thereunder. There is a specific provision under the Act for filing Contempt Petitions for securing implementation of the orders of the Tribunal. As regards Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987, it no doubt confers powers on the Tribunal to issue such orders or directions as may be necessary to give effect to the orders of the Tribunal or to prevent abuse of its process or to secure the ends of justice. However, this provision cannot be read independently of other provisions in the Act and the Rules. When there is a specific provision for filing Contempt</p>

*Rel. on behalf of  
Shri Manish Bhandari  
30/5/96*

*Copy issued to  
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*1207  
to  
1214  
31.5.96*

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**C. A. T. Bench, JAIPUR**

Date of Order

Orders

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Petitions for securing implementation of the orders of the Tribunal and when there is a time limit for filing Contempt Petitions, the provisions of Rule 24 have to be seen in the light of the provisions for filing Contempt Petitions. In the instant case, the Tribunal's order was passed on 14.8.92 and the applicant filed the present Misc. Application on 30.12.95 i.e. after a lapse of nearly 3½ years. The proper course for the applicant was to file a Contempt Petition within the prescribed period of limitation under the Contempt of Courts Act to secure implementation of the order of the Tribunal. There is no provision in the Act or the Rules for filing a Misc. Application for securing implementation of the order of the Tribunal when other provisions ~~shall~~<sup>exist</sup> for securing implementation of its orders.

6. In these circumstances, we are of the view that the present Misc. Application is not maintainable. It is accordingly dismissed.

  
(O.P. SHARMA)  
ADMINISTRATIVE MEMBER

  
(GOPAL IRISHIA)  
VICE CHAIRMAN

VK