Central Administrative Tribunal
Principal Bench: New Delhi

MA No. 1820/2015
in
OA No. 1606/2014

Reserved on: 25.04.2016
Pronounced on:13.07.2016

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. B.K. Sinha, Member (A)

Central Board of Direct Taxes
Through its Under Secretary,
North Block,
New Delhi – 110 001. ...Applicant in MA/
Respondents in OA

(By Advocate: Shri R.N. Singh)

Versus

Sh. Dhirendra Khare, IRAS Officer,
S/o Late Dr. Surendra Bahadur Khare,
R/o A-11, Gulmohar Park,
New Delhi. ...Respondent in MA/
Applicant in OA

(By Advocate: Ms. Tanya Khare for Ms. Deepali Dwivedi)

O R D E R

By Hon'ble Dr. B.K. Sinha, Member (A):

The instant MA has been filed by the applicant (respondent in OA) [hereinafter referred to as the respondent] seeking extension of time to implement the Tribunal's order dated 16.01.2015 passed in OA No.1606/2014 by two years beyond the period already granted to conclude the proceedings failing which proceedings shall stand terminated *ipso facto*.

2. Learned counsel for the respondent submits that the Tribunal's order dated 16.01.2015 was received in the office of the respondent on 31.01.2015 while the proceedings were at a very initial stage and the enquiry/presenting officer were yet to be appointed. The respondent has further submitted that there are numerous stages involved in departmental proceedings in this case following the report of enquiry officer including consultation with statutory and constitutional bodies as CVC, UPSC and sometimes the nodal department. These bodies are not parties to the OA nor are they under the control of the respondent. The respondent has also submitted that normally UPSC takes 3-4 months time to give its statutory advice in such matters. Further, the version of the charged officer is also obtained at the appropriate stage and the approval of the departmental authority is also required at all stages. The respondent, therefore, submits that a minimum period of 2-3 years is required for conclusion of the departmental proceedings in strict and fair manner.

3. The learned counsel for the respondent has drawn the attention to the fact that though the direction had been given to the respondent to conclude the departmental proceedings against the applicant within a period of six

months but no commensurate direction had been given to the applicant to cooperate with the enquiry. Therefore, by way of the instant OA, extension of time by two years beyond six months already granted to the respondent has been sought.

4. The respondent (applicant in OA) [hereinafter referred to as the applicant] has submitted a written submissions wherein it has been submitted that after rendering the decision, the Court/Tribunal becomes *functus officio* and, therefore, the application filed by the respondent seeking extension of time is not maintainable under the Administrative Tribunals Act. The applicant has also relied upon the decision of the Hon'ble Supreme Court in *Dwarka Das Vs. State of Madhya Pradesh & Anr.* [1999 (3) SCC 500] as also of Hon'ble High Court in case of *Union of India Vs. Babu Ram* [2006 (88) DRJ 73 (DB)]. The applicant also submitted that the direction given vide order dated 16.01.2015 was the final direction and the period of six months granted by the Tribunal to conclude the proceedings also expired on 16.07.2015 or in any case on 31.07.2015. Therefore, the proceedings against the applicant stands *ipso facto* lapsed in terms of the decision of the Tribunal.

5. The learned counsel for the applicant further submitted that if the instant MA moved by the respondent is allowed, it would stand to irreparably injure the case of the applicant. The applicant has also submitted that the practice referred to by the respondent has to be considered individually in each case as every case is an authority in itself. Mere extension of time for compliance of directions of the Tribunal which does not prejudice any party has to be distinguished from extension of time where the Tribunal has held that the proceedings shall lapse. The lapsing of proceedings is a consequence which cannot be avoided through an application styled as one for extension of time. The applicant has drawn the attention of this Tribunal to the fact that the memo of charges had been issued on 27.03.2014 and the respondent had approached this Tribunal on 09.05.2014 seeking quashing of the memo of charges. The Tribunal had not granted any interim relief to the respondent and, as such, there were no fetters upon the respondent to conclude the proceedings in furtherance of memo of charges dated 27.03.2014. It is also contended that the orders in the OA were reserved on 11.09.2014 and pronounced on 16.01.2015. However, over a period of 10 months had elapsed without conclusion of the proceedings against the applicant which is against the directions of this

Tribunal to conclude the departmental proceedings within a period of six months failing which the proceedings shall ipso facto stand lapsed. Per contra, the fact is that the proceedings were not concluded.

6. The respondent has filed an additional affidavit submitting, *inter alia,* that due to administrative exigencies, the inquiry authority had to be changed vide letter dated 01.05.2015 (Annexure AA-4) and the new enquiry officer had also been requested vide letter dated 25.05.2015 (Annexure AA-5) to submit the enquiry report by 30.06.2015. The enquiry officer had requested for extension for time, which was allowed till July, 2015. While the respondent has taken all possible steps to conclude the enquiry, the principles of natural justice and equity cannot be compromised.

7. The learned counsel for the respondent has further submitted that the enquiry report has been received from the enquiry officer, examined in the department and submitted to the competent authority i.e. the Finance minister who, in consultation of all facts, has forwarded it to the UPSC for a statutory advice. All this is legally to take further time. It was further submitted during the course of oral arguments that there are instances where

the time to implement decisions of the courts has been extended and it is a normal practice being followed in this Tribunal.

8. We have carefully gone through the pleadings of rival parties and have patiently heard the arguments advanced by their respective learned counsels, and on the basis of which the sole issue to be decided is as to whether it is within the competence of the Tribunal to issue an order for termination of proceedings ipso facto if the same is not concluded within the stipulated period granted by the Tribunal.

9. We start by reproducing the operative portion of the order dated 16.01.2015 passed in OA No.1606/2014, which reads as under:-

> *"The main prayer for quashing of the chargesheet dated 27.03.2014 is rejected as we find no merit in it. However, we direct the respondents to conclude the proceeding as* early as possible but definitely within a period of six months from the date of receipt of certified copy of this order failing which proceedings shall stand terminated *ipso facto*."

Though it has not been stated, there are instances to such orders being passed in this Tribunal. In case of *Nisha Priya Bhatia Vs. Union of India & Ors.* [OA No.3613/2011 decided on 11.05.012], this Tribunal had held that its orders for conclusion of the departmental proceedings within a period of four months had not been complied with

and as a consequence of which the respondents were stopped from concluding the enquiry. For the sake of better clarity, the relevant portion of the order reads thus:-

> *"13. For the reasons mentioned above, we are of the opinion that as the respondents in pursuance of the order dated 28.04.2011 in OA Nos.1665/2010 and 1967/2010 have not initiated and concluded the enquiry within a period of four months, hence now the respondents are not authorized and entitled to conduct the enquiry against the applicant. Because the respondents have not complied with the order, now they are estopped from conducting enquiry. Moreover, direction No.(i) has also not been complied with by the respondents unilaterally to regularize the period of alleged absence, which occurred due to delay or inaction on their part in issuing the identity card or correct posting order or due to any court order etc. A finding was recorded by the Tribunal in the earlier OAs that the applicant had formally applied for a new identity card on 28.05.2008, which was issued on 10.02.2009, after a period of over nine months, and that if this period had been taken by the respondents to prepare the identity card and the applicant was not allowed to join the office, such period could not be attributed to the applicant for not joining duties. In view of this observation of the Tribunal, the respondents were duty bound to regularize the period which was consumed during preparation of the identity card, because it was the inaction on the part of the respondents that the identity card was not prepared immediately as usual, and extraordinary time was consumed by the respondents, and it shows the dishonest intention of the respondents. Moreover, the respondents themselves also, as pleaded in their counter reply, have considered certain period of more than two months as on duty. Hence, it were the respondents who were responsible for the applicant not attending the office and the lapse cannot be attributed to the applicant. The respondents have themselves admitted that provisional pension was sanctioned to the applicant of Rs.27,750/- plus DR as admissible, and they have also alleged that as per rules she is entitled to a basic pension of Rs.37,850/- (50% of Rs.75,700/-) plus DR thereon, in the HAG+ scale of Rs.75,500-80,000, admissible to DIG under IPS (Pay) Rules, and the applicant is entitled to get her pension revised with effect from 19.12.2009.*
>
> *14. In our opinion, the OA deserves to be allowed, and the applicant is entitled for the benefit claimed by her. OA is allowed and the period of the alleged unauthorized absence w.e.f. 29.08.2008 to 05.04.2009*

and from 10.06.2009 to 26.11.2009 is regularized, and now the respondents cannot conduct the enquiry against the applicant. A formal order shall be passed by the respondents for regularization of this period of alleged unauthorized absence as per directions of the Tribunal within a period of one month from the date of communication of the order. The respondents are also directed to revise the pension of the applicant's basic pension Rs.37,850/- (50% of Rs.75,700/-) plus Dearness Relief as admissible with effect from 19.12.2009. The difference of pension shall be paid to the applicant within a period of one month from the date of communication of this order. Although the applicant has claimed cost of the litigation also, but considering the facts of the case, we are not intending to impose special costs on the respondents or to award the expenses of litigation incurred by the applicant."

10. The counter in this regard is that the President being the competent authority in respect of Group 'A'CCS Officers, the departmental proceedings can only closed with the permission of the President. It is further contended that the enquiry can be quashed in exercise of the writ jurisdiction under Article 226, but no such order can be passed declaring the enquiry to be closed ipso facto in case not concluded within the stipulated period granted by the Tribunal. On the other hand, this issue has been adjudicated by the Lucknow Bench of this Tribunal in *Vijay Shankar Pandey V/s. Union of India & Ors.* [OA No. 395/2012 decided on 20.12.2013].

11. In *Bharat Coking Coal Ltd. V/s. Bibhuti Kumar Singh & Ors.* [1994 Supp. (3) SCC 628] relied upon by the respondent, the Hon'ble Supreme Court had taken the view that considering the gravity of charges, the explanation

submitted by the applicant in not completing the enquiry was found to be unreasonable and the Hon'ble High Court was not justified in refusing to grant time for concluding the enquiry. For the sake of better clarity, relevant portion of the decision is reproduced as under:-

> *"14. Coming now to the impugned orders we find that one of the reasons which weighed with the learned Single Judge in making the same was that Respondent 1 was suspended since the date the charge-sheet was issued, but that is admittedly incorrect. We are also of the view that considering the seriousness of the charges, the explanation offered by the appellant for the delay in concluding the enquiry, which cannot be said to be unsatisfactory and the fact that the enquiry has proceeded to some length the High court ought not to have rejected the reasonable prayer of the appellant for extension of time."*

However, there is a difference between this case and the one in hand where it had been ordered that the enquiry would lapse ipso facto if not concluded within six months.

12. On the other hand, in *Dwarka Das Vs. State of Madhya Pradesh & Anr.* (supra), wherein it has been held that the Courts/Tribunals become functus officio after having passed the decision and thus are not entitled to vary the terms of the judgment except to facilitate implementation of the judgement. The applicant further relied upon *Union of India Vs. Babu Ram* (supra) wherein it has been held as under:-

> "*8. A Division Bench of this Court in M/s. Jagjit Singh Industrial Ltd. V. Cont.Gen. of Patents, Designs & Trade Marks & Ors. has held following*

the decision of the Supreme Court in State of U.P. v Brahma Datt Sharma (AIR 1987 SC 943), that once the High Court delivered a judgment, it becomes functus officio, and the High Court has no right thereafter to entertain miscellaneous applications except for correcting clerical errors. Hence, in our opinion, the application for modification of the judgment dated 14.1.1997 was not maintainable."

13. The applicant, while rebutting the argument of continuing practice, stated that the same does not confer any jurisdiction on this Tribunal. However, it is within the right of the Tribunal/Court to issue direction as be suitable for implementation of the order under Rule 24 of the CAT (Procedure) Rules or alter the order under the provisions of 22(1)(f). The respondent did not file any application for review of the Tribunal's order.

14. The arguments having been noted, the only issue that needs to be decided is that which shall prevail – whether the Tribunal's order dated 16.01.2015 regarding termination of the proceedings will take effect on the date the stipulated period of six months is completed i.e. 16.07.2015 or whether by allowing the instant MA for extension, the effect of the order shall also get extended to the future date allocated?

15. In this regard, we take note of the argument advanced by the learned counsel for the respondents that there have been instances in which extension has been granted earlier

even when dates were prescribed. We also take note of the argument of the applicants that the courts become functus officio after pronouncement of the order and cannot make any alteration/addition save for steps taken for implementation of the order or its modification as per the provisions of law. Here the accepted position is that extensions have been granted for implementation of courts orders from time to time. The basic provision as contained in Section 22 of the Administrative Tribunals Act, 1985 is that the Tribunal is not bound by the procedures laid down in the Code of Civil Procedure, 1908 but is to be guided by the principles of natural justice and the rules made under the Act *ibid.* It has also been vested with certain powers under CPC in order to facilitate implementation of its orders. For the sake elucidation, we extract from Section 22 of the Act, which reads as under:-

> *"22. Procedure and powers of Tribunals –*
>
> *(1) A Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made by the Central Government, the Tribunal shall have power to regulate its own procedure including the fixing of places and times of its inquiry and deciding whether to sit in public or in private.*
>
> *xxx xxx xxx*
>
> *(3) A Tribunal shall have, for the purposes of [discharging its functions under this Act], the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely :-*

> *(a) summoning and enforcing the attendance of any person and examining him on oath;*
>
> *(b) requiring the discovery and production of documents;*
>
> *(c) receiving evidence of affidavits;*
>
> *(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872) requisitioning any public record or document or copy of such record or document from any office;*
>
> *(e) issuing commissions for the examination of witnesses or documents;*
>
> *(f) reviewing its decisions;*
>
> *(g) dismissing a representation for default or deciding it ex- parte;*
>
> *(h) setting aside any order of dismissal of any representation for default or any order passed by it ex-parte ; and*
>
> *(i) any other matter which may be prescribed by the Central Government."*

It follows from the above that rules of natural justice are the sole guiding principle of the Act and the provisions of laws otherwise which stand in the way of discharge of the function by this Tribunal are not applicable where provided otherwise.

16. In the case of *Subhash V/s. S.P. Tripathi* [MANU/CA/04/2015] in CP No. 178/13 in OA No.1290/13, the contemnor had sought time beyond the period of one month for faithful implementation of the order while the applicant had proceeded in contempt for his failure to implement the order within time. The

Allahabad Bench of this Tribunal in the said case held as under:-

> *"7. Learned counsel for the applicant has also drawn our attention on a decision of Prithawi Nath Ram v. State of Jharkhand & Ors reported in (2004) 7 SCC 261 in which the Hon'ble Supreme Court has held as under:*
>
> > *"While dealing with an application for contempt, the Court is really concerned with the question whether the earlier decision which has received its finality had been complied with or not. It would not be permissible for a Court to examine the correctness of the earlier decision which had not been assailed and to take the view different than what was taken in the earlier decision. A similar view was taken in K.G. Derasari and Anr. V. Union of India and Ors. 2001 (10) SCC 496). The Court exercising contempt jurisdiction is primarily concerned with the question of contumacious conduct of the party who is alleged to have committed default in complying with the directions in the judgment or order. If there was no ambiguity or indefiniteness in the order, it is for the concerned party to approach the higher Court if according to him the same is not legally tenable. Such a question has necessarily to be agitated before the higher Court. The Court exercising contempt jurisdiction cannot take upon itself power to decide the original proceedings in a manner not dealt with by the Court passing the judgment or order.*
>
> > *Hon'ble Supreme Court has also held that, If any party concerned is aggrieved by the order which in its opinion is wrong or against rules or its implementation is neither practicable nor feasible, it should always either approach to the Court that passed the order or invoke jurisdiction of the Appellate Court. Rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong the order has to be obeyed. Flouting an order of the Court would render the party liable for contempt. While dealing with an application for contempt the Court cannot traverse beyond the order, non-compliance of which is alleged. In other words, it cannot say what should not have been done or what should have been done. It cannot traverse beyond the order. It cannot test correctness or otherwise of the order or give additional direction or delete any direction. That would be exercising review jurisdiction while dealing with an*

application for initiation of contempt proceedings. The same would be impermissible and indefensible."

8. It is clear from the above ratio that the Contempt Court is not to examine the correctness of the order, but it has to examine whether the order of the Court has been complied with or not. In the instant case the respondent had not only filed a Review Application No. 38/13 but also filed a Time Extension Application on 01.11.2013 for grant of further 03 months time to comply the Tribunal's order dated 04.10.2013 and in the meantime the respondent had disposed of the representation of the applicant on 21.11.2013. There is serious question of fact involving the working and termination of service of applicant involved in the OA 1290/13. According to respondent, the applicant was neither engaged by them nor his services were terminated by them. It is also evident from the application dated 24.10.2013 (Annexure CA-1) submitted before respondent that the applicant sought time till 20.11.2013 to produce his original documents demanded by the respondents vide their order dated 09.10.2013 in compliance of Tribunal's order dated 04.10.2013 passed in OA No. 1290/13.

Xxx xxxx xxx

10. Considering all the facts and circumstances of the case, we are of the view that no contempt is made out against respondent as the Review Application as well as Time Extension Application for compliance of Tribunal's order dated 04.10.2013 were pending and the applicant sought time to produce relevant document before respondent and they have also decided the pending representation of the applicant on 21.11.2013 against which, the applicant has already filed OA No. 266/14. As there is a serious question of fact regarding working of applicant with the respondents was involved which could be decided only in the OA, we are of considered opinion that no contempt against the respondent is made out for non-compliance of order dated 04.10.2013 passed in OA No. 1290/13."

17. The applicant has relied decision in *P.R. Yelumalai Vs. N.M. Ravi* [2015(9) SCC 52] where the decree holder failed to deposit the sale consideration within the stipulated period of time nor had be made any application for extension of time. In such case, the court held that the

plaintiff-buyer failed to comply with the decree and the suit stood dismissed automatically. Relevant portion of the same reads as under:-

> *"12. Arguments were also made by the learned counsel on both sides as to which Court had the power to grant extension of time and several authorities were cited on this point. However, we find that after the execution Court had dismissed the execution proceeding on the ground of delay in depositing the amount, the same question was dealt with by the original side of the Trial Court as well in the application for extension of time. Since both the Courts have given concurrent findings that the case for extension of time was not made out, we are of the opinion that dealing with the question as to which Court had the jurisdiction to decide this point, will be an exercise in futility. It would suffice to say that the Court has the discretion to extend the time upon an application made by the party required to act within a stipulated time period. Extension of time can be granted even after the expiry of the period originally fixed. In Johri Singh v. Sukh Pal Singh and Ors., (1989) 4 SCC 403, this Court observed:*
>
> > *"This Section empowers the Court to extend the time fixed by it even after the expiry of the period originally fixed. It by implication allows the Court to enlarge the time before the time originally fixed. The use of 'may' shows that the power is discretionary, and the Court is, therefore, entitled to take into account the conduct of the party praying for such extension."*

This, however, more supports the case of the respondents then that of the applicant. A decision of the Hon'ble High Court of Delhi in *Union of India V/s. Babu Rao & Ors* [2006 (88) DRJ 73(DB] supports the case of the applicant. Here, the Single Judge of the High Court allowed freedom fighter pension from 1993. The petitioners moved an application for modification of the order seeking grant of pension from 1982 and 1988 respectively for each of the petitioners. The Hon'ble High Court held as under:-

> *"A Division Bench of this Court in M/s. Jagjit Singh Industries Ltd. Vs. Cont. Gen. Of Patents, Designs & Trade Marks & Ors. has held following the decision of the Supreme Court in State of UP v. Brahma Datt Sharma (AIR 1987 SC 943), that once the High Court delivered a judgment it become functus officio, and the High Court has no right thereafter to entertain miscellaneous applications except for correcting clerical errors. Hence, in our opinion, the application for modification of the judgment dated 14.1.1997 was not maintainable."*

However, the facts of the above case are distinguishable as in this case the application was for modification of the order and was not filed as review application under order 47 Rule 1 of CPC. Hence, the application has rightly been dismissed.

18. In case of *Dwaraka Das V/s. State of M.P. & Another* [1999 (3) SCC 500] the dispute involved was of a criminal nature and as such its facts are also not applicable to the facts of the instant case. Likewise, in case of *Union of India Vs. PS Purkayastha* [WP(C) No.1634/2012 decided on 18.04.2013], the case was one of not issuing notice and hence this decision is not applicable to the facts of the instant case.

19. Likewise, in case of *Bharat Coking Coal Ltd. Vs. Bibhuti Kumar Singh & Ors.* [1994 Supp (3) SCC 628] relates to discharge of the applicant from criminal proceedings and hence not applicable to the present case.

20. Learned counsel for the respondents has also filed a series of decisions. In *Union of India & Anr. Vs. Ashok Kacker* [1995 Supp (1) SCC 180] no reply to the chargesheet had been filed and the applicant approached the Tribunal for quashing of the chargesheet. The Hon'ble Supreme Court struck it down but the facts of the case were not directly applicable to the instant case. Similarly, the decision in *Union of India Vs. Kuni Setty Satyanarayana* [2007 (1) SCT 452] prohibits entertaining writ petition against a mere show cause notice as pre-matured and that no writ lies against the chargesheet and show cause though significant this judgment is again not applicable to the facts of the present case. Some of other judgments like *State of Punjab & Ors. V/s Ajit Singh* [1997 (11) SCC 368, the Hon'ble Supreme Court quashed the decision of the Hon'ble High Court that the chargesheet was meritless. In *DIG of Police Vs. K. Swaminathan* [1996 (11) SCC 498] a view was taken that if the charge memo is totally vague and does not disclose any misconduct for which the charges have been framed at the stage of chargesheet even then Tribunal and courts would not be justified to go into the merits of the charges.

21. All these decisions, despite being pertinent, are not strictly applicable to the facts of the instant case except for the decision in *Subhash V/s. S.P. Tripathi* (supra).

22. We have also taken note of the argument that departmental enquiry has been completed and the case has been referred to the Union Public Service Commission for its second stage advice on punishment. Therefore, now it is only a matter of procedure for which we do not agree with the contention of the learned counsel for the respondents that a period of two years would be required for the simple reason that they themselves have circulated a timeline which is of much shorter duration. This refers to OM dated 23.05.2000 of the Central Vigilance Commission. For the sake of convenience, we reproduce the guidelines/timeline as under:-

Sl. No.	*State of Investigation or enquiry*	*Time Limit*
1	*Decision as to whether the complaint involves a vigilance angle.*	*One month from receipt of the complaint.*
2	*Decision on complaint, whether to be filed or to be entrusted to CBI or to be taken up for investigation by departmental agency or to be sent to the concerned administrative authority for necessary action.*	*-do-*
3	*Conducting investigation and submission of report.*	*Three months.*
4	*Department's comments on the CBI reports in cases requiring Commission's advice.*	*One month from the date of receipt of CBIs report by the CVO/ Disciplinary Authority.*

5	*Referring departmental investigation reports to the Commission for advice.*	*One month from the date of receipt of investigation report.*
6	*Reconsideration of the Commission's advice, if required.*	*One month from the date of receipt of Commission's advice.*
7	*Issue of charge-sheet, if required*	*(i) One month from the date of receipt of Commission's advice.* *(ii) Two months from the date of receipt of investigation report*
8	*Time for submission of defence statement.*	*Ordinarily ten days or as specified in CDA Rules.*
9	*Consideration of defence statement.*	*15 (Fifteen) days*
10	*Issue of final orders in minor penalty cases.*	*Two months from the receipt of defence statement.*
11	*Appointment of IO/PO in major penalty cases.*	*Immediately after receipt and consideration of defence statement*
12	*Conducting departmental inquiry and submission of report.*	*Six months from the date of appointment of IO/PO.*
13	*Sending a copy of the IO's report to the Charged Officer for his representation.*	*i) Within 15 days of receipt of IO's report if any of the Articles of charge has been held as proved;* *ii) 15 days if all charges held as not proved. Reasons for disagreement with IO's findings to be communicated.*
14	*Consideration of CO's representation and forwarding of IO's report to the Commission for second stage advice.*	*One month from the date of receipt of representation.*
15	*Issuance of orders on the Inquiry report.*	*i) One month from the date of Commission's advice.* *ii) Two months from the date of receipt of IO's report if Commission's advice was not required.*

It would appear from the above chart that the period allocated for completion of proceedings from start to finish is that of almost 24 months.

23. We are swayed by the fact that there has been significant compliance of the Tribunal's order and also that the order of extension does not obliterate the nature and effect of the order but rather postpones it. We are, therefore, of the considered opinion that it would not be fair to deny the time to the respondents after having done so much of work. On the other hand, we are also of the considered view that the time of two years sought by the respondents is grossly exaggerated.

24. Taking into consideration that the period of 1½ years have already elapsed since the Tribunal's order dated 16.01.2015 and keeping the facts and circumstances of the case in mind, we allow extension of further six months to the respondents from the date of receipt of certified copy of this order to implement the Tribunal's order in question. With this the instant MA stands disposed of.

(Dr. B.K. Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

/AhujA/