

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00618/2016

DATED THIS THE 26TH DAY OF JULY, 2017

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI P. K. PRADHAN, MEMBER (A)

G.S.Ravindra,
S/o Sri.G.Suryanarayana Rao,
Aged about 60 years,
Working as Assistant Director,
National Institute for Miners Health,
Marikuppam Post, K.G.F – 563 119.
Kolar District
Residing at No.88, 2nd Cross,
BSK III Stage, III Phase,
5th Block, Bengaluru – 560 085.

... Applicant

(By Advocate M/s Subbarao & Co)

Vs.

1. Union of India, Rep. by its Secretary,
Ministry of Mines,
No.A-320, Shastri Bhavan,
Rajendra Prasad Road,
New Delhi-110 001.

2. National Institute for Miners' Health
Rep by its Director,
C/o JNARDDC Campus,
Opp. Wadi Police Station, Wadi-Post,
Amaravathi Road,
Nagpur-440 023.

3. Dr.Rajananarayan Tiwari,
Director,
National Institute for Miners' Health
C/o JNARDDC Campus,
Opp. Wadi Police Station, Wadi-Post,

Amaravathi Road,
Nagpur-440 023.

4. Dr.Sarang Dhatrak,
Vigilance Officer,
National Institute for Miners' Health
C/o JNARDDC Campus,
Opp. Wadi Police Station, Wadi-Post,
Amaravathi Road,
Nagpur-440 023.

...Respondents

(By Shri M.V. Rao, Senior Panel Counsel for Respondent No.1 and
Smt. Nisha Srivastava, Counsel for Respondent No. 2-4)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. The matter is in a very small compass. Apparently there was a litigation before the Hon'ble High Court in which a Writ Petition was filed and allowed which was challenged in Writ Appeal. The Writ Appeal also having dismissed, the writ attained finality. Thereafter when a contempt application was filed before the Hon'ble High Court the respondents herein who was also the respondents therein seems to have given undertaking which was not to the satisfaction of the Hon'ble High Court who had by then examined the matter thoroughly. Therefore they had given a second undertaking also which was also not to the satisfaction of the Hon'ble High Court therefore they had given a third undertaking which was to the satisfaction of the Hon'ble High Court and in compliance with that the Hon'ble High Court had passed an order.

2. Now, this undertaking given was on the basis of the order of the Hon'ble High Court.

3. Thereafter it seems that the respondents herein who was the respondents therein also had obtained Presidential sanction for this third undertaking and on this basis some amount seems to be paid out to the applicant herein and settled the matter. This was apparently in the year 2010.

4. After some years it had dawned on some in the hierarchy of the respondents institute that either somebody had played a fraud or a mistake had been committed and they chose to unilaterally recover this amount from the applicant. However by this time the applicant filed an application and with the help of an interim order survived this assault. It will be open to the respondents to plead that they might have made a mistake but if they had made a mistake they need to convince the Hon'ble High Court that it was a bonafide mistake and the mistake arose not through their juncture and only the Hon'ble High Court can grant them permission to withdraw from their undertaking. They cannot chose to unilaterally defeat the order of the Hon'ble High Court. If such things are allowed, the sanctity of judicial intervention will be lost. Therefore it cannot be. Therefore we will declare that the respondents institute has no power to unilaterally withdraw from any such undertaking. They are also bound by the terms of promissory estoppel as especially they had escaped from the effect of contempt.

5. But we find that a degree of frivolity exists in the action of the respondents. They should have known very well that after the Writ Appeal also was over and in contempt a particular stand has been taken by the adjudicator it is not proper for them to unilaterally reopen. Some kind of personal elements

seems to have been crept into this but at the same time we note that this should not be a burden on the taxpayer. We will direct that there may be a intra-enquiry as to the person responsible for this morass.

6. The OA is allowed. No order as to costs.

(P. K. PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

/ksk/