

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

C.P.No.260/12/2015
(Arises out of O.A.No.260/0008/2015

Date of Reserve:09.07.2019
Date of Order:30.08.2019

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Hara Prasad Mishra, aged about 39 years, S/o. Krushna Chandra Mishra, at present working as MTS (Trainee), O/o.Deputy Accountant General(E&RSA), (ES-II), Odisha, Puri, At/PO-Puri, Dist-Puri.

...Applicant

By the Advocate(s)-M/s.D.Pattnaik
N.Biswal

-VERSUS-

1. Sri Amar Pattnaik, Accountant General (G&SSA), Odisha, Bhubaneswar, At/PO-Bhubaneswar, Dist-Khurda.
2. Sri M.Sridharam, (IA&AS), Dy.Accountant General (ES-II), Puri, At/O/Dist-Puri.

...Respondents

By the Advocate(s)-Mr.S.K.Patra

ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

This Contempt Petition has been filed by the applicant alleging non-compliance of interim order dated 14.01.2015 passed by this Tribunal in O.A.No.260/0008/2015. The interim order as passed by this Tribunal reads as follows:

"So far as interim prayer is concerned, we make it clear that status quo in respect of the applicant as on date will be maintained until further orders".

2. In response to notice issued by this Tribunal, the alleged contemnors have filed their show cause to justify their action. They have also filed M.A.No.772 of 2015. In Paragraph-3 & 4 of the said M.A., it has been submitted as follows:

- "3. That on the face of the certificate-cum-mark sheet of the Applicant and after considering the counter replies to the C.P., the Hon'ble Tribunal passed order dated 19.08.2015 in CP No.13 of 2015 directing the alleged Contemnors as well as the DAG(Admn)-cum-Appointing Authority to restore the status of the Applicant as if he were in service in pursuance of the interim direction of this Hon'ble Tribunal dated 14.01.2015 and to report compliance. Further, it has been made clear that in the event of failure to comply with this direction, the Hon'ble Tribunal will consider the personal appearance on 21.09.2015.
- 4. That after getting copy of the said order dated 18.08.2015 on 09.08.2015, the Respondents/Contemnors have filed Writ Application W.P.(C) No.17027 of 2015 and No.17030 of 2015 in Hon'ble High Court of Orissa on 16.09.2015 impugning the interim order dated 14.01.2015 and the order dated 18.08.2015 passed in the O.A. and the C.P. respectively. Since the matter is now sub judice in the Hon'ble High Court, no further order may be passed in the matter".

3. In the meantime, by filing a Memo, the respondents have produced copies of order dated 16.11.2015 passed by the Hon'ble High Court disposing of the above mentioned Writ Petitions, which is extracted herein below:

- "1. These petitions are preferred by the petitioners from the interim orders made by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A.No.260/0008 of 2015 which is pending before the Tribunal.
- 2. The first impugned order, in point of time, is admitting the original application and granting

interim order to maintain status quo until further orders and such orders are made after hearing learned counsel for the petitioners. The subsequent interim order is arising out of the contempt proceeding, which appears to have been initiated on account of the alleged violation of the aforesaid interim order to maintain status quo as regards the status of the original applicant.

3. Since, admittedly, the original application and the proceedings pursuant thereto are pending before the Tribunal where the petitioners have already appeared, the appropriate and more efficacious remedy is to approach the Tribunal for modification of its order or for expeditious final hearing of the main original application pending before the Tribunal. Since the first order admitting the application and granting interim relief is made as early as on 14.01.2015 and the petitioners are facing difficulties on account of pendency of the proceeding and the proceeding pursuant to the alleged contempt of the Tribunal, the main original application pending before the Tribunal is required to be heard as expeditiously as practicable and in case the main application cannot be heard for final disposal, an application proposed to be made by the petitioners for vacating interim relief would be required to be heard at the earliest.
4. Under the circumstances, the present petitions are not pressed and not entertained for any order at this stage and the petitioners are permitted to make appropriate application before the Tribunal for expeditious hearing as also for vacating interim relief. As soon as such application is made, the Tribunal may accord priority of hearing and pass appropriate order on the application proposed to be made by the petitioners".
4. Vide order dated 26.03.2019, this Tribunal had directed this CP along with O.A.No.260/0008/2015 to be heard together and accordingly, both the matters were heard and orders were reserved on 09.07.2019.
5. Since this Tribunal has not decided the O.A. in favour of the applicant inasmuch as he has not been able to establish that the

Certificate-cum-Mark Sheet as produced by him in support of his educational qualification is not from a recognized Education Board/National Open School, as prescribed in the statute and has dismissed the O.A., we are not inclined to proceed further with this CP. Accordingly, this CP stands dismissed, with no order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER(A)

BKS

(GOKUL CHANDRA PATI)
MEMBER(A)

