

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

CP-258/2003 in
OA-1503/2003

New Delhi this the 28th day of July, 2003.

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Sh. S.K. Naik, Member(A)

Sh. P. Subash Nair,
S/o Sh. K. Govindan Kutty,
R/o 160-C, GTB Enclave,
Dilshad Garden,
New Delhi-93. Petitioner

(through Sh. Sewa Ram, Advocate)

Versus

Mr. K. Narsimha,
Secretary, Sports Authority
of India at: Corporate Office,
Jawaharlal Nehru Stadium,
Lodi Road Complex,
New Delhi-3. Respondent

ORDER (ORAL)
Smt. Lakshmi Swaminathan, Vice-Chairman(J)

We have heard Sh. Sewa Ram, learned counsel
for petitioner in CP-258/2003 in OA-1503/2003.

2. CP-258/2003 has been filed with regard to
the interim order passed by the Tribunal dated
13.6.2003. The relevant portion of this order reads as
follows:-

"Learned counsel presses interim
relief. Issue Dasti short notice to the
respondents to file their short reply,
returnable on 27.6.2003. Till then, the
reversion order dated 4.6.2003 is stayed,
if not already given effect to."

18

3. We have seen Office Order No.101/2003 dated 4.6.2003 (page 19 of the paperbook) pertaining to the above petitioner. From this order it is seen that the impugned order of reversion dated 4.6.2003 has been passed in compliance of certain directions of the Tribunal (Bangalore Bench) in OA-799/2002 filed by Smt. S. Manjula Vs. ED, SAI, J.N. Stadium, New Delhi. It is further stated that "in compliance of Hon'ble CAT directions Letter No. SAI/PERS/1556/99 DATED 23.5.2001 issued earlier by SAI for appointment of Sh. P. Subhash Nair, DEO is hereby withdrawn with immediate effect and the exercise of selection of DEOs will be undertaken afresh. Accordingly Shri P. Subhash Nair stands reverted to his original post of DEO (Daily wages) on 4.6.2003." Learned counsel for petitioner has submitted that even in the pay slip for the month of June, 2003, the petitioner has been referred to as 'DEO', although from the aforesaid order dated 4.6.2003 it is clearly mentioned that he stands reverted to his original post of DEO (Daily wages) on 4.6.2003. In this view of the matter the pay slip relied upon by the petitioner referring to the petitioner as 'DEO' is not contrary to the order dated 4.6.2003 because that order itself states that the petitioner stands reverted to his original post of DEO (Daily wages) on 4.6.2003.

4. It is, therefore, seen from the above orders, including the interim order dated 13.6.2003 that the impugned Office Order No.138/2003 dated 18.7.2003

18/

which is alleged to be in contravention of Tribunal's order cannot be agreed to. That order has been passed consequent upon the reversion order of the petitioner dated 4.6.2003 wherein he has been referred to as a daily wager. That order read with the pay slip for the month of June 2003, where his designation as DEO (Daily wager) has been shown would, therefore, not show that any prima facie contempt has been committed by the respondents. It is also relevant to note ~~that~~ the Tribunal's order dated 27.6.2003 wherein the following has been noted:-

"On 13.6.2003, the reversion order dated 4.6.2003 was stayed on the condition that if that had not already been given effect to, the reversion order will be stayed. Whereas Shri Bhardwaj has stated that the reversion order had been given effect to before 13.6.2003, learned counsel for applicants has refuted this."

On the next date of hearing i.e. 16.7.2003, this case alongwith connected matters were ordered to be listed on 18.8.2003, till which date interim orders are to continue.

5. In the above facts and circumstances of the case, we are unable to agree with the contentions of the learned counsel for petitioner that any prima facie case has been made out against the respondents in Contempt Petition No. 258/2003. In this view of the matter, CP-258/2003 is dismissed.

Naik
(S.K. Naik)
Member(A)

Lakshmi
(Smt. Lakshmi Swaminathan)
Vice-Chairman(J)