

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 452/2003
M.A. NO.2160/2003
M.A. NO.71/2004
in
O.A. NO.849/2003

This the 30th day of January, 2004

HON'BLE SHRI V.K.MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

K.S.Gautam,
Deputy Director (Plant Pathology),
Central Insecticides Laboratory,
Directorate of Plant Protection,
Quarantine & Storage,
Deptt. of Agriculture & Cooperation,
Ministry of Agriculture,
Government of India,
NH IV, Faridabad-121001
Haryana.

... Applicant

(By Shri H.K.Gangwani, Advocate)

-versus-

1. Shri R.C.A.Jain,
Secretary, Deptt. of Agriculture
& Cooperation, Govt. of India,
Krishi Bhawan,
New Delhi-110001.

2. Dr. P.S.Chandurkar,
Plant Protection Adviser.
to the Government of India,
Directorate of Plant Protection,
Quarantine & Storage,
Ministry of Agriculture,
NH-IV Faridabad-121001.

... Respondents
in C.P.

(By Shri D.S.Mahendru, Advocate)

3. Shri S.P.Kulshreshtha,
Deputy Director (PP),
RPQS, Ministry of Agriculture,
Mumbai.

... Applicant
in MA-71/04 for
impleadment

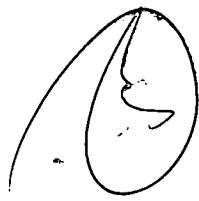
(By Shri G.D.Bhandari, Advocate)

O R D E R

Hon'ble Shri V.K.Majotra, V.C.(A) :

O.A. No.849/2003 was disposed of vide order dated
18.9.2003 with the following directions :

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"44. In the result, for the foregoing reasons, as the transfer is based on mala fides and in violation of the policy guide-lines arrived at as a punitive measure, cannot be sustained in law. OA is allowed. Impugned orders are quashed and set-aside. Applicant shall be entitled to all consequential benefits."

2. Notices were issued to the respondents for non-compliance of directions of this Court.

3. MA No.71/2004 has been made on behalf of Shri S.P.Kulshreshtha who was respondent No.3 in the OA seeking impleadment as necessary party in this contempt petition. It is pointed out that Shri Kulshreshtha had carried the matter to the High Court in CW No.7113/2003 and while notices to the respondents therein were issued for 14.1.2004, the High Court ordered, "Meanwhile status quo, as it exists today, shall be maintained in respect of the posting of the petitioner". The learned counsel stated that th^{-e} stay granted against the operation of this Tribunal's orders continues and these orders cannot be implemented. The learned counsel further stated that the expression 'meanwhile' used by the High Court would imply that the said orders have to continue till the disposal of the writ petition. On behalf of Shri Kulshreshtha MA No.2160/2003 seeking stay of the operation of the Tribunal's orders dated 18.9.2003 has also been filed.

4. On the other hand, the learned counsel of applicant contended that Shri Kulshreshtha who has aspired to be impleaded as a party in the present

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contempt petition cannot lawfully be impleaded. The learned counsel mentioned that Shri Kulshreshtha had filed an application seeking review of Tribunal's orders which was rejected and that he has no locus standi in the matter any longer. He further stated that the status quo granted by the High Court on 7.11.2003 cannot have any effect after 14.1.2004 when the writ petition was listed before the High Court but no further stay was granted. The learned counsel interpreted the expression 'meanwhile' to mean that it could remain in force till the next date of hearing, i.e., 14.1.2004.

5. We are inclined to agree with the learned counsel of applicant that the stay orders granted by the High Court could have their effect till 14.1.2004 only. While no proof has been submitted on behalf of Shri Kulshreshtha that the High Court had ordered continuance of the stay orders on 14.1.2004, in our considered view, the expression 'meanwhile' would mean "till next date of hearing", i.e. 14.1.2004. As such, in our view, no stay orders exist against the directions of this Court contained in order dated 18.9.2003, as of now.

6. In the above backdrop, we reject both the MAs made on behalf of Shri Kulshreshtha.

7. Stay order granted by the High Court on 7.11.2003 outlived its utility on 14.1.2004 when the said writ petition was listed before the High Court for further hearing. No fresh orders of the High Court have been shown to us regarding continuance of the stay

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against the operation of the orders of this Court. Accordingly, respondents have to accord the consequential benefits on quashing/setting aside of the impugned orders in the OA. In any case, such action will be subject to the outcome of the aforesaid writ petition pending before the High Court.

8. Taking stock of the facts and circumstances of this case, respondents are directed to implement the directions of this Court contained in order dated 18.9.2003 within a period of one month from the date of receipt of these orders, failing which a serious view would be taken in the matter and applicant shall have liberty to revive the contempt petition, which is disposed of as above for the present.

9. Notices to the respondents are discharged.

S. Raju

(Shanker Raju)
Member (J)

V. K. Majotra

(V. K. Majotra)
Vice-Chairman (A)

/as/