

**Central Administrative Tribunal
Principal Bench**

CP-463/2004 In
OA-2751/2003

New Delhi this the 25th day of January, 2005

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Shanker Raju, Member (J)

Shri Ram Nath Singh
S/o Shri Hem Raj Singh,
H.No. 75, Gali No.4, Geetanjali, Loni,
Distt. Ghaziabad, U.P.

-Applicant

(By Advocate: Shri P.S. Yadav)

Versus

1. Shri Prem Prakash Gera
S/o Late Shri Kanshi Ram Gera
Deputy Secretary (G) Govt. of India
Ministry of Railway, Railway Board,
Railway Bhawan, New Delhi-110001.

2. Shri B.N. Mathur,
Secretary, Govt. of India,
Ministry of Railway, Railway Board,
Railway Bhawan,
New Delhi-110001.

-Respondents

(By Advocate: Shri Sanjay Kumar Pathak)

ORDER (Oral)

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

Learned counsel heard.

2. Learned counsel of the applicant filed a copy of order dated 18.1.2005 of the High Court as also a copy of miscellaneous application filed on behalf of respondents seeking stay of the impugned order of this Tribunal dated 27.8.2004 in OA-2751/2003. He pointed out that vide order dated 18.1.2005, the Hon'ble High Court has rejected the prayer of the respondents from staying the impugned orders. However, the learned counsel of respondents stated that the respondents are now contemplating to move another application before the Hon'ble High Court for staying the present contempt proceedings. The order dated 18.1.2005 of the Hon'ble High Court reads as follows:-

‘In the High Court of Delhi at New Delhi

18.1.2005

Present Mr. Sanjay Kumar Pathak for the petitioner, Mr. P.S. Yadav
for the respondent No.1.

W.P. (C) No.18513/2004 and CM Nos. 14048/2004

Notice. Mr. P.S. Yadav accepts notice. Counter affidavit has already been filed. Counsel for the petitioner prays for some time to file rejoinder. Same be filed within four weeks. Counsel for the petitioner has contended that the respondent has filed a contempt petition, therefore, the impugned order may be stayed. Prima facie, we are of the opinion after going through the impugned judgment that there is no reason to stay the impugned judgment. More so the stay application was filed by the petitioner at the time of filing of this writ petition against the order of the Tribunal and no stay has been granted by this Court. Renotify on 3.8.2005.

Vijender Jain, J.


S. Ravindra Bhat, J.

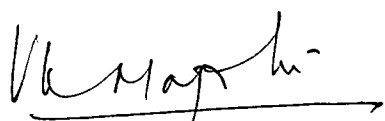
January 18, 2005."

3. It is clear that respondents had filed a Contempt Petition and sought stay of the impugned orders. It is also stated in these orders that the stay application filed by the respondents at the time of filing the Writ Petition had not been granted. In our view, these orders imply that the stay of the Contempt Petition has also been denied. The trite law as settled by the **Modern Food Industries Vs. Sachidanand Dass** (1995 Supp.(4) SCC 465 is that on rejection of prayer for stay of the impugned orders, there is no hinderance in requiring the implementation of directions of this court, may be subject to the final outcome of the Writ Petition against the orders in question.

4. In this light, we dispose of this Contempt Petition with a direction to the respondents that they shall reinstate the applicant in service forth-with and shall also comply with Tribunal's directions made in order dated 27.8.2004 within a period of three months from 18.1.2005. C.P., as such, is disposed of and notices to the respondents are discharged, however, with liberty to the applicant to revive this Contempt Petition in case these directions are not complied with as directed above.

Issue Dasti.


(Shanker Raju)
Member (J)


(V.K. Majotra) 25.1.05
Vice Chairman (A)

cc.