

Central Administrative Tribunal
Principal Bench

CP-45/2004 In
MA-283/2004
OA-3130/2003

New Delhi this the 9th day of February, 2004

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

Ramesh Chand Sai
Upper Division Clerk
National Institute of Science
Communication and Information Resources
Dr. K.S. Krishnan Marg.
New Delhi-110012.

-Applicant

(By Advocate: Shri S.M. Garg)

Versus

1. Shri V.K. Gupta
Director
National Institute of Science
Communication and Information Resources
Dr. K.S. Krishnan Marg.
New Delhi-110012.

2. Shri Prithvi Shah
Administrative Officer
National Institute of Science
Communication and Information Resources
Dr. K.S. Krishnan Marg.
New Delhi-110012.

-Respondents

(By Advocate: Shri C. Hari Shanker)

ORDER (Oral)

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

MA-283/2004 has been made on behalf of respondents seeking clarification of Tribunal's order dated 30.12.2003 in this OA (Annexure C-I). Learned counsel on behalf of respondents in the OA stated that the impugned transfer order clearly stated that the persons named therein would stand relieved "with immediate effect" and as such the order takes effect immediately irrespective of whether the order was served on the applicant or not. Admittedly, the

transfer order was served upon the applicant after the order of the Tribunal, i.e., 30.12.2003.

2. The same arguments as has been advanced today was made on behalf of respondents even on 30.12.2003. Thereafter, considering that the impugned order had not been served on the applicant as he was on medical leave and had applied for extension of his medical leave, it was directed that in case the impugned order had not been served on the applicant, status-quo as of today shall be maintained.

3. The argument advanced today on behalf of the respondents having been taken into account before Tribunal's orders were made on 30.12.2003 and requiring the respondents to maintain status quo, in the backdrop of non-service of the impugned order on him would mean that the applicant was required to continue in his position as he had not been served with the impugned orders on 30.12.2003. All action taken by the respondents such as relieving him, non-payment of his salary and transfer of GPF etc. shall not have any effect. Applicant shall continue to function with the respondents with all attendant benefits, as before.

4. MA-283/2004 is disposed of accordingly.

5. In regard to Contempt Petition-45/2004, learned counsel of respondents made a statement that applicant's position and benefits will be restored

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within a week's time from now. At this juncture, learned counsel of applicant in view of the assurance of the learned counsel of respondents seeks and is allowed to withdraw this Contempt Petition.

S. Raju

(Shanker Raju)
Member (J)

V.K. Majotra

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

cc.