

(1993) 09 SC CK 0103
In the Supreme Court Of India
Case No : Civil Appeal No. 5100 Of 1993

Dr Damodar Mishra

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 20-09-1993

Acts Referred:

Citation : (1994) 2 SCC 51 Supp

Hon'ble Judges : N. Venkatachala, J;A. M. Ahmadii, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Special leave granted.

2. Heard counsel on both sides.

3. We are afraid the impugned order of the tribunal cannot be sustained. The facts clearly reveal that against the order of transfer the appellant herein had obtained ad-interim stay from the tribunal. While that stay was in operation, he came to be relieved from his post on 4/10/1991, which was clearly contrary to the letter and spirit of the tribunal's order. It is, therefore, difficult to understand how the tribunal could in such circumstances say that the petition had become infructuous. In fact the appellant can have a grievance that the respondent had committed contempt by not obeying the interim order of the tribunal. We are not suggesting that any contempt action be taken but surely the tribunal could not have dismissed the petition of the appellant merely because he was relieved with effect from 4/10/1991. We, therefore, allow this appeal, set aside the order of the tribunal and remit the matter to the Tribunal to decide it in accordance with law. There will be no order as to costs.