

(2010) 01 AHC CK 0170

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 1754 of 2010

Union of India Through General Manager, N.C.R., Allahabad
and Another

APPELLANT

Vs

Central Administrative Tribunal at Allahabad and Another

RESPONDENT

Date of Decision : 25-01-2010

Acts Referred:

Citation : (2010) 01 AHC CK 0170

Hon'ble Judges : S.P.Mehrotra, J and Kashi Nath Pandey, J

Final Decision : Dismissed

Judgement

Satya Poot Mehrotra, and Kashi Nath Pandey, J.—The present Writ Petition has been filed, inter alia, praying for quashing the orders dated 10.2.2009 and 14.12.2009 passed by the Central Administrative Tribunal, Allahabad (in short "the Tribunal") in Original Application No. 91 of 2009 filed by the respondent no.2 against the petitioners.

2. By the order dated 10.2.2009, interim order was granted in favour of the respondent no.2 in the said Original Application, and by the order dated 14.12.2009, Stay/Vacation Application, filed on behalf of the petitioners, was rejected.

3. Further prayer has been made in the Writ Petition that direction be issued to respondent no.1 (i.e., Tribunal) to decide the aforementioned Original Application within specified time.

4. From a perusal of the averments made in the Writ Petition as well as the Order Sheet of the aforementioned Original Application (Annexure 1 to the Writ Petition), it transpires that by the order dated 10.2.2009, interim order was granted by the Tribunal in the aforementioned Original Application for a particular period while issuing notice to the respondents in the aforementioned Original Application. The said interim order was extended from time to time. Counter Affidavit on behalf of the petitioners was filed along with Stay/Vacation Application

in the aforementioned Original Application. A Supplementary Counter Affidavit was also filed on 2.12.2009 on behalf of the petitioners in the aforementioned Original Application, as is evident from the OrderSheet dated 3.12.2009.

5. By the order dated 14.12.2009, the Tribunal decided various Applications including the StayVacation Application, namely, M.A. No. 2627 of 2009, filed on behalf of the petitioners, praying for vacating the interim order dated 10.2.2009 passed in the aforementioned Original Application. The said order dated 14.12.2009 passed on the said M.A. No. 2627 of 2009 is reproduced below:

"MA No. 2627/09 With the prayer to vacate interim order dated 10.02.09. Considering that hearing of Interim matter is itself likely to take same time as may be required to decide OA itself, and that we have already fixed date for final hearing date (i.e. 18.01.2010), this application is rejected at this stage."

6. Similar order dated 14.12.2009 was passed on the Application for vacating interim order filed on behalf of the respondent nos. 6 to 12 (private respondents) in the aforementioned Original Application.

7. Shri Shyamal Narain, Advocate has filed his Vakalatnama on behalf of the respondent no.2 today. Let the same be taken on record.

8. We have heard Shri A.K. Roy, learned counsel for the petitioners, and Shri Shyamal Narain, learned counsel for the respondent no.2.

9. Having regard to the facts and circumstances of the case and having considered the submissions made by the learned counsel for the parties, we are of the opinion that cogent and valid reasons have been given by the Tribunal while rejecting the aforementioned M.A. No. 2627 of 2009 filed on behalf of the petitioners for vacating the interim order dated 10.2.2009. Therefore, no interference is called for with the said interim order dated 10.2.2009 or with the order dated 14.12.2009 passed by the Tribunal in the Original Application.

10. As regards the prayer for issuing direction to the Tribunal for expeditious disposal of the aforementioned Original Application, we are informed by the learned counsel for the parties that on 18.1.2010 the said Original Application has been adjourned to 22.2.2010.

11. In the circumstances, we are of the view that no directions are required to be issued to the Tribunal as we hope and trust that the Tribunal will decide the matter expeditiously.

12. Subject to the above observations, the Writ Petition is dismissed.