

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Item No.31:

Petition(s) for Special Leave to Appeal (C)...../2017
(CC No.24959/2016)

(Arising out of impugned final judgment and order dated 14/02/2012 in WPC No. 26412/2011 20/09/2016 in RVWPE No. 67/2012 passed by the High Court of Orissa at Cuttack)

NIMAI CHARANA MOHANTY

Petitioner(s)

VERSUS

R.R. PRASAD AND ORS.

Respondent(s)

(With appln. (s) for c/delay in filing SLP and office report)

With

Item No.54:

SLP(C)...CC No.236/2017

(With appln. for c/delay in filing SLP and office report)

Date : 05/01/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Karunakar Mahalik,Adv.
Mr. Anilendra Pandey,Adv.
Mr. Rabinarayan Rout,Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Having gone through the pleadings available, we do not find that the petitioners had, at any point of time, raised a specific averment before the Central Administrative Tribunal, Cuttack Bench, Cuttack as to which part of order dated 22nd November, 2007 in Original

Application No.987 of 2005 of the Tribunal has not yet been complied with in letter and spirit. We find that in the same order itself, the Tribunal had recorded that the Railway Administration unambiguously intended for the implementation of the order.

Therefore, leaving the question of law as to the maintainability of the appeal before the High Court, these special leave petitions are disposed of with liberty to the petitioners to make a specific prayer before the Tribunal as to which part of the order dated 22nd November, 2007 has not been complied with by the Railway Administration, in which case, the Tribunal may look into such original proceedings and take appropriate action to see that the order originally passed by the Tribunal on 22nd November, 2007 is properly complied with in letter and spirit.

We may make it clear that this liberty is not to be availed by way of contempt proceedings but by way of fresh original application.

In view of the numerous litigations over a long period of time, we request the Tribunal to make an endeavour to expeditiously dispose of the application if filed, preferably within six months of the institution.

Pending application, if any, stands disposed of.

(Anita Malhotra)
Court Master

(Renu Diwan)
Assistant Registrar