

PETITIONER:  
UNION OF INDIA

Vs.

RESPONDENT:  
SATYA PRAKASH VASISHT

DATE OF JUDGMENT 20/09/1993

BENCH:

ACT:

HEADNOTE:

JUDGMENT:  
ORDER

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 October 4, 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 October 4, 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.

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