

5

O.A.No.398 OF 1995.

5

ORDER DATED 6-12-2001.

Heard Learned Counsel for the Parties.

Since the only averment made by Learned Counsel for the applicant, in this Original Application that his appeal which is pending under Annexure-4, has not yet been considered by the authorities and not yet disposed of, he prayed for a direction for disposal of that appeal only. Learned standing counsel for the Respondents has filed his reply categorically stating therein that the appeal is to be filed within 45 days and to whom the Annexure-4 he has been addressed/is not the Appellate Authority. In that view of the matter, after going through the pleadings of both sides, I do not find any merit of this O.A. and hence the same is dismissed. No costs.

However, the Learned Counsel for the applicant prays leave of this Tribunal to file fresh appeal to the Appellate Authority which has been strongly objected to by the Learned Counsel appearing for the Respondents on the ground of merit of this case as also limitation. However, in consideration of the submissions made by learned counsel for both sides, without expressing any opinion on the merits of the case and without expressing anything in regard to the limitation which has been raised by the learned Counsel for the Respondents, liberty is given to the applicant to file the appeal to the appropriate authority if he so desires within a period of one <sup>dy - from so days</sup> month <sup>dy</sup> and <sup>dy</sup> in the event of receipt of such <sup>dy</sup> representation/appeal, from the applicant, the authority to whom it would be sent, is directed to consider and dispose of the said <sup>dy Appeal</sup> representation <sup>dy</sup> within a


dy -

6

OA-398/95-

6

period of two months thereafter in accordance with Rules  
and Law and communicate the order to the Applicant.

  
(NITYANANDA PRUSTY)  
MEMBER (JUDICIAL)

KNM/CM.

Free copy of  
the order  
dt. 6.12.01 given  
to the counsel  
for both sides.

Patra  
21/12

Prusty  
21/12  
S.O