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(A) MA - 898/96

(9)

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
	13.2.98	<p>Heard the learned counsel for the petitioner on M.A.88/98. This Misc. Application has arisen out of O.A.898/97 which was disposed of on the date of admission in order dated 18.12.1996 by giving a direction to Respondent No.3 to consider the case of the applicant at along with his representation dated 11.9.1997 for the post of EDMC-cum-Packer of Nimasahi Sub-Office along with others. It was also ordered that the experience gained by the applicant may be taken into consideration at the time of selection.</p> <p>In the present Misc.Application it has been submitted by the applicant that inspite of the above order Res.3 has taken no steps to fill up the post of EDMC-cum-Packer, Nimasahi Sub-Office within the last one year. In view of this he has prayed for a direction to Respondents to fill up the said post of EDMC-CUM-Packer, Nimasahi S.O. through proper selection within a stipulated period. It is submitted by the learned counsel for the petitioner that as a matter of practice in this Tribunal several M.As on a disposed of matter has been entertained by the Tribunal even 2/3 years after the disposal of the O.A. It is also submitted by him that in order passed in O.A.199/96 the Tribunal has dealt with on the question where successive MAs can be filed.</p> <p>Under Rule 24 of the C.A.T(Procedure) Rules, the Tribunal is authorised to make such orders or give such direction as may be necessary to give effect to its order or to prevent abuse of his process or to</p>	<p>A disposed of case</p> <p>M.A - 88/98 for appropriate orders on memo.</p> <p>9/2/98 Bench</p> <p>M.A-88/98 for appropriate orders for orders.</p> <p>12.2.98 Bench</p>

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secure the ends of justice. From the above it is clear that under Rule 24 of the C.A.T. (Procedure) Rules action can be taken only for implementing the order passed by the Tribunal. In the original order dated 18.12.1997 the Tribunal did not issue any direction to fill up the post of EDMC-cum-Packer within a stipulated period.

We have heard the learned counsel for the petitioner and we find that the submissions made by the learned counsel for the applicant regarding the practice in the Tribunal are not relevant to the facts at issue in M.A.88/98. The present prayer made in M.A. 88/98 goes beyond the order passed on 18.12.1996^{in O.A.898/96} because in order dated 18.12.1996 no time limit was fixed for filling up of the post whereas in the M.A. the prayer is for fixing such a time limit. In view of this we hold that the M.A. is not maintainable under Rule 24 of the C.A.T. (Procedure) Rules and hence it is rejected.

VICE-CHAIRMAN

MEMBER (J) 13/2/98

Order dt. 13.2.98

A copy of
order may be given
to both the counsels.

to
17.2.98

17.02.98
S.O. (J)

Received a copy of order
dt 13.2.98 on behalf
of Mr A Motilal Singh
S.O. (J) 17/2/98

Received a copy of order
dt 13.2.98
13.5.98 in reply
for
18/2