

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Or. No. 18.8.04

Order dated 18.08.04

Notice issued to all respondents.

This Original Application No.1484/03 was dismissed for non-compliance of interim order dated 28.01.04. By filing M.A. No.364/04 the applicant has prayed for restoration of the O.A. Having perused the same and upon hearing the Counsel for the applicant, the M.A No.364/04 is hereby allowed restoring the Original Application NO.1484/03.

Member (Judicial)

Common AD.
In R-1 such a
is kept in OA 1249/03
AD. In R-2 nor
sent.

Dated on 18/08/04

Heard. Issue notice to the Respondents in the Original Application, requiring them to file counter within six weeks.

Member (Judicial)

App. Memo/Counsel
nor sent.

Order dated : 9.3.05

Order dt. 11.10.04

parties are absent on call. AD returned after service from R-1 who is absent and no step has been taken by him to file counter.

None appears for the applicant nor the applicant is present in person nor any formal request for adjournment of the matter has been made. However, Mr. U.B.Mohapatra, Ld. Sr. Standing Counsel is present and heard.

AD not yet returned from R-2 although notice was sent to him on 24.08.04. Hence service is treated sufficient on him. Call on 23.11.04 for appearance and filing of counter if any.

This O.A. has been filed by the applicant being aggrieved by the order of the Respondents declining to carry out correction in his date of birth which he had furnished to the said authority at the time of his appointment in descriptive particulars under his own signature and finger print and have ordered his superannuation from service on

11/10/04

6

O.A. 1484/03

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completion of 65 years of age w.e.f. 4.3.02 taking his date of birth as 5.3.37 as stated earlier.

The Respondents by filing the counter has disclosed that while the applicant has come before this Tribunal in this O.A. ventilating his grievance as stated earlier, he has also, at the same time, ~~had~~ filed a suit No. 24/02 and Misc. Case No. 23/02 in the Court of CJ(JD), Bhadrak on 25.1.02 challenging the order of Respondent No.2 which was dismissed by the said learned CJ(JD), Bhadrak on 13.9.02. Again, against that order of CJ(JD), Bhadrak, he has filed an appeal before the Additional District Judge, Bhadrak in RFA Appeal No. 62/02 which is still pending in that Court.

The Id. Sr. Standing Counsel has submitted that the applicant can not be pursuing the matter simultaneously before two judicial forums and ⁱⁿ that view of the matter, this O.A. deserves to be dismissed.

Having heard the Id. Sr. Standing Counsel, I am of the view that the objection raised by him is justified and accordingly this O.A. is disposed of being misconceived. No costs.

[Signature]
Vice-Chairman

Counter not filed.

[Signature]
Regd. Secy

[Signature]
22/11/04

Order dt. 23.11.04

parties are absent on call. The matter is adjourned to 04.01.05 for hearing of Counter.

[Signature]
23/11/04

Copy 2 Counter
not sent.

21/105

[Signature]
Regd.

Order dt. 18.1.05

Applicant is absent on call. At the request of Ld. SSCG, adjourned to 25.1.05 for service of copy of counter.

[Signature]
18/1/05
REGISTRAR

Counter copy not
sent.

[Signature]
20/1/05

[Signature]
Regd.