

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.M.A. 713 of 2000
(O.A.1202 of 1996)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

A.K.SANYAL

V/S

UNION OF INDIA & ORS.
(S.E.RLY.)

For the applicant(s) : Mr. A. Chakraborty, counsel

For the respondents : Mr. P. Chatterjee, counsel (official respts.)
Mr. Samir Ghosh, counsel (Pvt. respondent)

Heard on : 19.12.2000

Order on : 19.12.2000

O R D E R

D.Purkayastha, J.M.:-

This application bearing No.M.A.713/2000 has been filed by the applicant seeking an interim order by way of direction upon the respondents not to take selection test for the post of C.M.A. Gr. I till the disposal of the application on the ground that the applicant filed one O.A. bearing No.1202 of 1996 challenging the Seniority List published by the respondents where the position of the applicant was not rightly shown.

2. Mr. A. Chakraborty, ld. counsel appearing on behalf of the applicant submits that under sub-section 4 of sec. 19, the respondents cannot take any action in the matter of selection as alleged in the application since the application was admitted for adjudication. Mr. Samir Ghosh, ld. counsel appearing on behalf of the private respondent submits that the application was admitted in the year 1996; but the copy of the application has not been served upon the private respondent for the last four years. A copy of the present Misc. application has also not been served upon the private respondent till date. Mr. A. Chakraborty, ld. counsel for the applicant submits that the present Misc. application has been furnished to the railway respondents only. But I failed to understand why the applicant has failed to furnish the copy of the misc. application to the private respondent when he seeks an interim order from this Tribunal by way of direction

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as sought in the misc. application. Mr. P. Chatterjee, ld. counsel appearing on behalf of the respondents submits that unless the applicant's seniority is restored by adjudication by this Tribunal, the applicant cannot get benefit of selection as claimed in the original application. However, he submits that one post of C.M.A. Gr.I may be kept vacant for the applicant for the interest of justice.

3. In view of the aforesaid circumstances, I am of the view that the respondents should be given liberty to fill up the post of C.M.A. Gr.I & J.C.A. during the pendency of the O.A. subject to the decision of this case and one post of C.M.A. Gr.I will be kept vacant for the applicant for consideration if he succeeds in the original application. With this observation, M.A. is disposed of. No costs.

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19/12/2000
D.Purkayastha
Member (J)

J.C.M.A.

a.m.