

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 877 of 1996

Present : Hon'ble Shri B.P. Singh, Administrative Member
Hon'ble Shri N. Prusty, Judicial Member

Foudi Gope

-VS-

Eastern Railway

For the Applicant : Mr. Samir Ghosh, Counsel

For the Respondents: Mr. M.K. Bandyopadhyay, Counsel

Date of Order : 17-07-2002

O R D E R

SHRI B.P. SINGH, AM

When the case is taken up Ld. Counsel Mr. Bandyopadhyay, appearing on behalf of the respondents, submits that the Appellate Authority has disposed of the case and the applicant has preferred a revision petition against the same. Before the revision petition is processed, the applicant has been informed that the concerned file and related documents in respect of the case of the applicant are mis-placed/destroyed in fire. Therefore, the Revisional Authority was not in a position to finalise the case. The respondent authorities tried to re-construct the records. But they could not succeed. As a result the review petition is pending.

2. The Ld. Counsel further submits that the respondent authorities addressed a letter to the applicant to furnish the copy of certain documents available with him in this case so that the case is decided. The Ld. Counsel for the applicant replied to the letter on 10-8-2000. He submits that the matter is sub-judice before the CAT, Calcutta Bench. So, it will not be possible for him to furnish the required documents till disposal of the case. The reply is reproduced below :

Samir Ghosh

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"With reference to above and with specific instructions from my client abovenamed, this is to inform you that since the matter is sub-judice before the CAT/Calcutta Bench, it will not be possible for my client to furnish the required documents, as directed by you in the above-referred letter.

However, after disposal of the said application by the Hon'ble Tribunal, the matter of submissions of documents by my client would be considered. Whatever records were there in the Service Book of my client, that would prevail".

3. Shri Ghosh, Ld. Counsel appears on behalf of the applicant and made his submission as per his letter reproduced above.

4. Since the revision petition is pending and there is genuine reason for the respondent authorities not to dispose of the same till required records and documents are available, the matter was placed and a query was raised before both the Ld. Counsels to find out a way out so that the pending revision petition is decided.

5. Both the Ld. Counsels have suggested that the Revisional Authority may address letter to the applicant listing out various documents etc., with direction to the applicant to produce the same in person to the extent available with him before the Revisional Authority on a fixed date and time. The Revisional Authority may take copy of the original documents to complete the file and return the original documents to the applicant. In case, the Revisional Authority feels that personal hearing of the applicant is necessary as the same will also help in the disposal of the revision petition by the Revisional Authority, the same may be intimated to the applicant by fixing the date and time which the applicant shall comply without fail.

6. In view of above, the Ld. Counsel for the applicant prays for withdrawal of the case with suitable direction to the Revisional Authority as well as to the applicant as stated above.

2/1/2010

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7. Accordingly, we hereby grant the prayer of the Ld. Counsel of the applicant for withdrawal of the O.A. with a direction to the respondent authorities (~~Revisional~~ Authority) to issue a letter to the applicant listing out the documents for production of the same before him on a fixed date and time and the applicant shall produce the available documents before the authority on the scheduled date and time. The concerned authority will take copy of the documents and return the original documents to the applicant. In case, the ~~Revisional~~ Authority finds it necessary, he may ask for personal hearing of the applicant on a fixed date and time. The above entire exercise shall be complied with within a period of four months from the date of communication of this order. With the above observations/directions the O.A. is allowed to be withdrawn. However, if the applicant is aggrieved by the order of the ~~Revisional~~ Authority, he would be at liberty to approach the Tribunal again. Application is disposed of without any order as to costs.



Member(J)



Member(A)

DKN