

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA NO. 1257 OF 1996

Date of order : 3.4.98

Present : Hon'ble Mr. S. Dasgupta, Member (A)
(As Third Member Bench)
AMITAVA KUMAR & ORS

VS

UNION OF INDIA & ORS

For the applicants : Mr. Samir Ghosh, Counsel

For the Metro Rly. : Mrs. Uma Sanyal, Counsel
Respondents

O R D E R

When the matter was taken up for hearing, Mr. Samir Ghosh, the learned counsel for the applicants pointed out that the hearing should be deferred due the following reasons :

- i) The referral order itself stated that the matter be referred to the larger bench for resolving the difference of opinion;
- ii) The respondents in OA 1257/96 had approached the High Court through a writ petition No. WPCT 404 of 1997 after the referral order was passed and the High Court had passed the following orders on 16.1.98 :

" In this case it appears that two members of the Tribunal differed with regard to the merit of the case and that is why the matter was referred to the Chairman of the Tribunal for deciding the matter. It is for the Chairman to hear the matter by himself with other members and/or constitute any larger Bench for hearing the said matter. Before this Court, petitioner is aggrieved at regarding the continuance of the interim order passed by the Tribunal.

Under such circumstances, when there is no decision of the tribunal as yet on its merits and only the interim order as passed by

the Tribunal is continuing, the Chairman of the Tribunal is directed to dispose of the matter on its merits either by himself in his discretion as provided under the Act ^{or} by constituting any larger bench as the Chairman may deem fit and proper as expeditiously as possible and preferably within four months from the date of communication of this order.


The Tribunal petition is disposed of on the above terms....."

iii) In an earlier case where also there was a difference of opinion between the Members of the Bench and the difference of opinion was sought to be resolved by a Single Member Bench, the applicant in that case had approached the High Court and the High Court intervened into the matter and stayed the decision rendered by the Third Member acting as Single Member Bench.

2. Mr. Samir Ghosh also stated that a petition has already been submitted to the Principal Bench for constituting an appropriate Bench to hear this matter.

3. Mrs. Uma Sanyal, ld. counsel was also present on behalf of the Metro Railway, one of the respondents in the present OA.

4. After hearing the submissions of the learned counsel for the applicants, I consider it appropriate to defer the hearing of this matter. The matter is accordingly adjourned. Let this matter be placed before the Hon'ble Chairman for appropriate decision in the light of the foregoing submissions.


(S. Dasgupta,)
MEMBER(A)