IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 1336 of 1996

Present : Hon'ble Mr. Nityananda Prusty, Judicial Member

Hon'ble Mr. N.D. Dayal, Administrative Member

Bimalendu Das & Three Ors.

.... Applicants

- VS -

1) The Union of India, service through the
   Secretary, M/o Industry, D/o Industrial
   Development, Udyog Bhawam, New Delhi.

2) The Controller General of Patents, Designs
   and Trade Office, 2nd M.S.O. Building, 101,
   Maharshi Karve Road, Mumbai.

3) The Jt. Controller of Patents and Designs,
   The Patent Office, 234/4, A.J.C.Bose Road,
   Nizam Palace, Calcutta.

4) Sri T.K. Chattopadhyay, Asstt. Controller
   of Patents & Designs, The Patent Office,
   Nizam Palace, Calcutta.

5) Sri D.P.S. Parmar, Asstt. Controller of
   Patents & Designs, The Patent Office Branch,
   Municipal Market Building, Saraswati Marg,
   Karol Bagh, New Delhi.

... Respondents

For the Applicants : Mr. B. Chatterjee, Counsel

For the Respondents : Ms. K. Banerjee, Counsel

Date of Order : 30-3-2004

ORDER

MR. NITYANANDA PRUSTY, JM

The applicant, who were working under the respondent Nos.
2 & 3, have filed this application for the following reliefs :

a) An order setting aside and quashing the impugned
   Circular No.A-32016/2/96-Adm dated 8.8.1996 issued
   by the Joint Controller of Patents & Designs (Res-
   pondent No.3) and also impugned Office Order No.CG/
   F/2/1(2)(a)/96/214 dated 31.7.96 issued by the Con-
   troller General (Respdnt. No.2) and 17.7.96 (Desk
   letter).

b) Cost of the suit;

c) Any other order(s) or further order as the
Hon'ble Tribunal deems fit and prlper.

2.   As such the main prayer of the applicants in this O.A. is
for quashing the circular dated 8.8.1996 and office order dated
31.7.1996.

3.   When this matter is taken up for hearing, Mr. Chatterjee, Ld.
Counsel for the applicants submits that the applieants may be permitted
to file a detailed representation before the concerned authority high-
lighting all their grievances enclosing the documents/circular/office
order etc., in support of their claim and this O.A. may be disposed of
at this stage directing the official respondents, more particularly
the respondent Nos. 2 & 3, to consider the said representation of the
applicants treating this O.A. as a part thereof and dispose of the same
by passing a reasoned and speaking order within the stipulated period
in accordance with law and communicate the same to the applicants.

4.   Ms. Banerjee, Ld. Counsel for the official respondents submits
that on earlier occasion the applicants made representation highlight-
ing their grievances and the same has already been considered and dis-
posed of by the concerned authority by passing a speaking order. So,
further leave need not be granted to the applicants for filing a se-
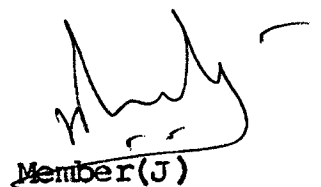parate representation.

5.   On verification of records of this O.A., we find no such re-
presentation available in the record. Since the same has neither
been filed by the applicant alongwith the O.A. nor copy of the same
has been furnished by the respondents alongwith their reply, we permit
the applicants to make a detailed representation afresh highlighting
all their grievances enclosing copy of the documents/circular/office
order etc. in support of their claim within a period of one month
the date of communication of this order. In case, such a represen-
tion is filed by the applicants, then the official respondents, more

particularly, the respondent Nos. 2 & 3 are directed to consider the representation treating this O.A. as a part thereof and dispose of the same by passing a reasoned and speaking order in accordance with law within a period of two months from the date of receipt of such representation and communicate the decision to the applicants within a period of two weeks from the date of passing such order. It is made clear that we have not gone into the pleadings of the respective parties nor observed anything on the merits of the case.

6.   The O.A. is accordingly disposed of with the above observation/direction.   However, there shall be no order as to costs.

Member(A)   Member(J)

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