

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

OA. 236 of 1997

MA. 237 of 1997. (UNLISTED)

( In connection with OA. 1479/96)

Date of Order: 13.6.97.

Present: Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman.  
Hon'ble Mr. M.S. Mukherjee, Administrative Member.

DILIP KUMAR SINHA SARKAR

-VS-

UNION OF INDIA & ORS.

For the petitioner: Mr. S.K. Patra, counsel.

For the respondents: Mr. B. Mukherjee, counsel.

O R D E R

The O.A. no. 1479 of 1996 was filed on 16.12.96 when certain Interim Order was made and the next date for admission hearing was fixed on 30th December, 1996. On that date, however, Interim Order was not extended on the ground that <sup>copy</sup> the said application was not served on the respondents. Then, on 29.4.97, 1d. counsel for the respondents, who had appeared in the meantime, pointed out that the application was not properly verified and various appendices to the application were not numbered. Petitioner was given liberty to remove the defects. In such circumstances, the Interim Order was also discontinued.

This day, an MA has been filed unlisted seeking imposition of the Interim Order and the petitioner also filed another Application which is same as OA No. 1479 of 1996 after removal of the defects pointed out as above.

Hearing the 1d. counsel for the parties and on perusal of the records, we find that the Interim Order was discontinued - on one occasion for non-service of

non-service of

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the application and the other for technical defects in the O.A. In such circumstances, since ~~the~~ defects have been removed, we are clearly of the view that there is no bar to continue the Interim Order which relates to recovery of certain amount from the pay of the applicant.

Petitioner has filed the instant application unlisted seeking amendment of the OA in terms of the Order passed on 29th April, 1997. Filing of such application was hardly necessary because leave was already granted on 29.4.97 to remove the defects.

Hearing the ld. counsel for both the parties, in the circumstances, we direct as an interim measure that no further recovery shall be made in terms of the Order dt. 2.12.96, Annexure-J to the Application(at page 42), till the next date.

Both the MAs are thus disposed of. The OA be listed for hearing regarding admission on 27.8.97. Reply be filed by the respondents at least a week before the next date.

Plain Copy be given to both the parties.

59/  
(M.S.Mukherjee)  
Member(A)

59/  
(A.K.Chatterjee)  
Vice-Chairman,