

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

M.A. 256 of 98

(O.A. 1050 of 96)

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

Hon'ble Mr. B.P. Singh, Administrative Member.

UNION OF INDIA & ORS.(GOVT. OF W.B.)

-V E R S U S-

P.K. MAZUMDAR & ANR.

For the applicants : Mr. S.K. Mitra, counsel.

For the respondents : Mr. P.R. Mondal, counsel for the applicants in O.A.

Mrs. Bhattacharya, counsel for resp.Nos.1&2

Mrs. K. Banerjee, counsel for UPSC

Mr. S.K. Ghosh, counsel for private respondent.

Heard on 17.6.99

Order on 17.6.99

O R D E R

D. Purkayastha, JM

This M.A. filed by the State respondent on 23.6.98 for extension of time for implementation of the judgment dated 5.3.98 passed in O.A. No. 1050/96 communicated to the applicant from this Registry on 24.3.99 vide letter dated 12.3.99. The applicant State respondent by this application stated that the respondent No.10 in O.A. Sri Mongal Singh Rai in the meantime moved the Hon'ble High Court, Calcutta and the number of the case is W.P.C.T. No.168/1998. The Hon'ble High Court passed the order as communicated by the Id. Advocate of the applicants as follows:-


" The D.P.C. and/or the Select Committee who is empowered to make such determination is directed to carry out the order of the Tribunal Court within the time limit fixed, viz. within three months from the date of the order and in case the matter is finalised on review that should take effect."


Despite that the respondents in O.A. did not comply with the direction given by this Tribunal. But they filed instant application seeking extension of one month's time w.e.f. 23.6.98. The applicants in O.A. filed reply to the prayer made by the State respondent.

2. Mr. Mitra, Id. counsel for the State of W.B. submits that due to pendency of this application before this Tribunal for extension of time they could not take any action till date.

3. Mr. Mondal, Id. counsel appearing for the applicants in O.A. submits that the delay on the part of the State respondent is intentional therefore, the instant application should be rejected without giving further extension of one month's time.

4. We have considered the submission of the Id. counsels of both the parties. It is found that the State respondent has prayed for extension of one month's time from the date of filing of this application on 23.6.98. But we failed to understand why they did not take any action for the purpose of the implementation of the judgment in the meantime. Mr. Mondal, Id. counsel submits that since no extension is granted till now for complying with the judgment, as prayed for by the State respondent, thereby all actions on the part of the respondents with the expiry of the period prescribed by the Tribunal would be invalid. However, we are not entering into the controversy about the implementation of the judgment. But we are of the view that such inaction and laches on the part of the respondent authorities does not speak well about the implementation of the judgment. But for the purpose of the interest of justice, we are allowing one month's time to the State respondent for implementation of the judgment in full. We are satisfied that there is laches on the part of the official respondents. Therefore, we allow cost of Rs.1000/- to each of the applicants (in O.A.) to be paid by the State respondent. It may be mentioned that any decision taken on the basis of the judgment should be communicated to the applicants within one month without taking further adjournment in this case. Accordingly M.A. is disposed of.

  
Member (A)

  
Member (J)