

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

MA No.340/96
OA No.1304/96

30-7-2001

Present : Hon'ble Mr.D. Purkayastha, Member (J)
Hon'ble Mr.V.K.Majotra, Member(A)

Durga Das Banerjee

-Vs-

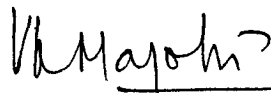
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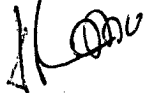
For the applicant : Mr.N.C.Chakraborty
For the respondent : Mr.S.P.Kar

ORDER

Mr.D.Purkayastha, Member(J) :

When the case is taken up for final hearing today, the learned Advocate for the applicant, Mr.Chakraborty fairly submits before us that the applicant had preferred appeal against the order of removal (Annexure 6), but that appeal has not been disposed of by the Appellate Authority till date and he submits that he submitted the appeal within the prescribed time limit. Though the instant application is barred by limitation, since he filed this application after 1½ years from the date of passing of the order of removal, but we find that the Appeal has not yet been disposed of. So, condonation of delay as prayed for does not arise. The applicant's cause of action starts from the date of disposal of the Appeal. In view of the aforesaid circumstances, we are of the view that it will be appropriate on our part to issue necessary direction. Accordingly, we direct the respondent to dispose of the Appeal pending before them i.e. Respondent No.3 within 2 months from the date of receiving the order. With this observation, the application is disposed of. No order as to costs. With the above order the MA is also disposed of.


(V.K.Majotra)
Member(A)


(D.Purkayastha)
Member(J)