

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.

No. M.A. No. 66 of 1997.
M.A. No. 67 of 1997
(OA No. 122

DATE OF ORDER : 30.5.97.

PRESENT : HON^{BLE} DR. B. C. SARMA, MEMBER (A)

HON^{BLE} MR. D. PURKAYASTHA, MEMBER (J)

Sunil Kr. Sarkar

Vs.

Union of India & Ors. (Press)

For applicant(s) : Mr. Samir Ghosh, Counsel.

For respondents : Mr. B.K. Chatterjee, Counsel.

O R D E R

The applicant had filed O.A. No. 1223 of 1996 being aggrieved ^{by} ~~with~~ the purported order dated 14.8.1996 seeking to ~~recovery~~ a sum of Rs. 33,270/- from the applicant towards the alleged arrears licence fee and damages in respect of Flat No. 321 Block 'EB', Salt Lake, Type ~~XXX~~ 'B', Calcutta inspite of vacating the same.

2. The M.A. 66 of 1997 has been filed for the addition of party-respondents ⁱⁿ as paragraphs 6 & 7 thereof. The M.A. No. 67 of 1997 has been filed with the prayer that an Interim Order be issued restraining the respondents from making recovery of the amount or any part thereof from the Dearness Relief of his pension.

3. We have heard the submission of the learned Counsel for both the parties and perused records. As regards M.A. 66/97 we find that there is a justification for impleading the two parties as respondents in the original application. Accordingly, the

Contd..

application is allowed and it is ordered that the said two party respondents viz :-

- 1) Pay & Accounts Officer,
Printing,
Ministry of Urban Development,
6, Ganesh Ch. Avenue,
Calcutta - 13,
- 2) Pay & Accounts Officer,
Central Pension Accounting Office,
Ministry of Finance,
Deptt. of Expenditure,
New Delhi -

be impleaded as parties and the cause title of the application may be amended accordingly as per rules.

4. As regards the prayer for Interim Order, Mr. Ghosh submits that ^{/from} ~~xxx xxxxxxxx pay xxx~~ 1st June '97 onwards, the respondents may recover in instalments the said amount from the dearness reliefs as sanctioned. As on today, the two main respondents ~~xxx~~ seeking recovery of the amount have not been impleaded as party-respondents and it is only today's order they have been impleaded. The respondents have also not filed any reply to this petition. Mr. Chatterjee submits that the reply could not be filed since the two main respondents were not impleaded in the original application. This being the position we are of the view that the matter be adjourned with the direction that the respondents may file a reply to the M.A. 67 of 1997 on the issue of interim order. We would like to observe, even if no reply is filed on the next date of hearing, the matter shall be decided without reply.

5. Meanwhile, we order that if no recovery ^{of the entire amount or portion} ~~has been made~~ ^{very} in the meantime, ~~all the amount or any portion thereof~~, the respondents

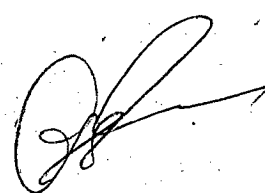
Contd...P/3.

shall maintain status quo in the matter for a period of 14 days.
Mr. Ghosh is directed to serve copies of the petition on the
added respondents in the meantime.

The matter is adjourned to 13.6.1997 for hearing
and order.



MEMBER (J)



MEMBER (A)