

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

M.A. 494 of 99
(O.A. 1309/96)

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.

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

UNION OF INDIA AND ORS.

-V E R S U S -

ASHIM KR. PAL

For the applicant : Mr. R.K. De, counsel.(Respds in the O.A.%)

For the respondents : None.

Heard on 1.10.99

Order on 1.10.99

O R D E R

S.N. Mallick, VC

Affidavit of service has been served upon Mrs. Ghosh Dutta who has accepted it. Despite that she is absent today.

2. In this M.A., the petitioner respondents have prayed for extension of time for compliance of the order dated 26.11.97 passed by this Tribunal in O.A. 1309/96. The operative part of the order runs as follows:-

xxx xxx xxx xxx xxx xxx

"direct the respondents to finally dispose of the disciplinary proceedings by the Disciplinary Authority in accordance with the relevant rules taking into account the circumstances stated in the subsequent representation of the petitioner dated 23.9.96 within a period of 8 weeks from the date of communication of the order. We make it clear that we have not gone into the merits of the disciplinary proceeding while passing this order and the Disciplinary Authority shall not be influenced, while passing the final order, by the observations made in Annexure-H to the petition dated 3.9.96."

It is submitted by Mr. De ~~that~~ with reference to the averments made in paragraph Nos. 2.2, 2.3 and 2.4 ~~made~~ ⁱⁿ the M.A. that the original applicant, after passing of the aforesaid order of the Tribunal prayed for date in the matter of finalisation of the disciplinary proceeding which were allowed by the Disciplinary Authority... Thereafter the original

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applicant on the expiry of the time limit prescribed in the aforesaid order took the plea that the Disciplinary Authority did not proceed with the disciplinary proceeding as the time has passed. It is contended by the Id. counsel for the respondent applicant that the respondent authorities were somehow swayed by the prayer made by the original applicant for adjournment on bonafide belief and as such could not complete the disciplinary proceeding within a time fixed.

3. None has appeared today to contest this matter although a copy of the application has been served upon Advocate-on-Record for the original applicant. In view of such circumstances disclosed in the application, we think that some more time to be given to the respondent applicant to complete the disciplinary proceeding in terms of the order dated 26.11.97 passed in O.A. 1309/96. Accordingly we allow the prayer and extend time till 15.11.99. The application stands disposed of.

4. No order is passed as to costs.

Myers
Member (A)


Vice-Chairman.

a.k.c.