

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. MA 530 of 2003  
(OA 1173 of 96)  
CPC 142 of 97

Date of order : 4.6.04

Present : Hon'ble Mr.N.Prusty, Judicial Member

Hon'ble Mr.N.D.Dayal, Administrative Member

UNION OF INDIA & ORS.

VS

S.K.ROYCHOUDHURY & ORS.

For the applicants : Mr.P.K.Arora, counsel

For the respondents: Mr.B.Chatterjee, counsel  
Ms.A.Mondal, counsel

O R D E R

N.Prusty, J.M.

Heard Mr.P.K.Arora, 1d. counsel appearing for the applicants in this MA and Mr.B.Chatterjee, 1d. counsel leading Ms.A.Mondal, 1d. counsel appearing for the opposite party i.e. the applicants in the OA.

2. This MA has been filed by the official respondents in the OA for modification of the order dated 30.7.99 passed in CPC 142/97. The above CPC 142/97 was filed for non-compliance of the order dated 3.6.97 passed in OA 1173/96.

3. 1d.counsel for the applicants in this MA submits that the order of this Tribunal dated 3.6.97 in OA 1173/96 has already been set aside by the Hon'ble High Court in WPCT No. 352/97 by order dated 12.5.2000.

4. In view of the above 1d.counsel submits that since the order passed in this OA has been set aside by the Hon'ble High Court, the CPC is not maintainable before this Tribunal.

5. Considering the submissions made by both the 1d. counsel, the present MA is allowed. CPC 142/97 is dropped.

6. Let the OA be listed for hearing on 18.6.04 along with the other applications filed by the applicant.

MEMBER (A)

in

MEMBER (J)