

In The Central Administrative Tribunal
Calcutta Bench

MA. 27 of 2000
(OA 1234 of 1995)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. G.S. Maingi, Administrative Member

Eastern Railway

-VS-

Dulal Mitra & Ors.

For the Applicant : Mr. R.M. Roychowdhury, Advocate
(Respondents in
Original O.A.)

For the Respondents : Mr. B. Mukherjee, Advocate
(Applicant in
Original Application)

Heard on : 17-2-2000

Date of Order : 17/2/2000

ORDER

D. PURKAYASTHA, JM

Heard Id. Advocates of both the parties. It appears from the order dated 3.6.1999 that the impugned order dated 28.4.1998 passed by the respondents ^{had been} stayed since the respondents did not file reply to the show cause in view of the order dated 18.5.98 passed by the Tribunal. It further appears that respondents have not filed any reply to the show cause till date. Instead of filing reply to the show cause vide order dated 18.5.98 and 3.6.1999, the official respondents now have come with this present application for modification of the order of stay dated 3.6.1999 by which the impugned order dated 28.4.1998 has been stayed on the ground that five applicants have already joined in pursuance of the order of transfer dated 28.4.1998 before the order dated 3.6.1999 was passed by this Tribunal. So, they should be allowed to continue in the Office after joining.

Contd....

2. Id. Advocate Mr. Mukherjee for the respondents submits that the order dated 28.4.1998 has not been given effect to.

3. Since five applicants had joined on 2.5.98 and 4.5.98 *in pursuance* in pursuance of the order dated 28.4.1998, thereby the order dated 3.6.1999 is required to be modified. Accordingly, it is ordered that the order of stay dated 3.6.1999 would not be applicable to the applicants who had already joined on 2.5.98 and 4.5.98. With this observation, the order dated 3.6.99 is modified and MA 27 of 2000 is disposed of accordingly.

G.S. Maingi
17.2.2000
(G.S. Maingi)
Member (A)

D. Purkayastha
17/2
(D. Purkayastha)
Member (J)

DKN