

Central Administrative Tribunal

Calcutta Bench

CPC/75/2001
MA/120/2003
(OA/526/1990)

Date of Order: 17-7-03

Present:

Hon'ble Mr.B.P.Singh, Administrative Member
Hon'ble Mr.Nityananda Prusty, Judicial Member

Smt.Kalyani Chakraborty

Petitioner/
Opposite Party

-Vs.-

I.I.M.S.Rana & 5 ors.

Contemnors/
Applicant

For the petitioner: Mr.K.Roy Chowdhury, Counsel

For the contemnors : Mr.M.K.Bandyopadhyay, Counsel

O R D E R

B.P.Singh, AM

In the last Order dated 5-6-03 passed in the CPC it was directed that both the CPC/75/2001 and MA/120/2003 should be taken up together.

2. The MA has been filed on 13-3-03 by the contemnors (Respondents in OA/526/1990 and contemnors in the CPC) praying for modification/review and/or recalling of the Order dt.8-5-2000 passed in OA/526/1990 under rule 24 of the Central Administrative Tribunal Procedure Rule 1987. The applicant has drawn our attention to Rule 24 which is quoted as under :-

The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

Ld.Counsel for the applicant in the MA submits that under the above rule the aggrieved party can approach the Tribunal for modification/review/recalling of the order any time without any limitation and accordingly ~~by~~ this present application has been made for orders as prayed for.

3. Ld.Counsel Mr.K.Roy Chowdhury appears for the G.P. in the MA (applicant in the OA and CPC) submits that the said application is barred by limitation as the said order was passed on 8-5-2000 in OA/526/1990 and this MA/120/2003 has been filed on 13-3-2003 that is after about 3 years. Ld.Counsel has also drawn our attention to our Order dt.3-1-03 passed in CPC/75/2001 in reference to OA/526/1990 specially paragraph 5 of the said Order where it has been clearly stated that no review petition was filed by the respondents nor any appeal was preferred before the appropriate forum against the Order dt.8-5-2000 and, as such, the Order of the Tribunal dt.8-5-2000 passed in OA/526/1990 has become final and it has to be complied with in full.

4. We take note of the above submissions. We do not agree with the submission of the ld.Counsel for the applicant in the MA that rule 24 of the Procedure does not prescribe any

limitation and, therefore, parties may approach the Court at their sweet will. We find that this Misc. application is hopelessly barred by limitation as the same has been filed after about 3 years. We further find that the order of the Tribunal dt.8-5-2000 has become final and neither any review application nor any appeal against the said order has been filed before the appropriate forum. If the applicants were aggrieved with the said order, they were at liberty within reasonable time to approach to the appropriate forum for modification/review/recalling of the said order.

5. In view of the above we do not find any justification to entertain this MA at this stage. Accordingly we dismiss the same with no order as to costs.

6. In our Order dt.3-1-03 the respondents were given 6 weeks time to file compliance report along with supporting documents and statement by the next date. Ld.Counsel for the contemnors submitted that he could not file compliance report as per Order dt.3-1-03 passed in CPC/75/2001 as in the meantime they have filed MA asking for certain modification/review/recalling of the Order dt.8-5-2000 passed in the OA. We reminded the ld.Counsel for the applicant in the MA that we had given clear direction to file compliance report. If the same could not be filed in time, it was the duty of the contemnors and the ld.Counsel for them to pray for extention of time. But, the same has not been done in the C.P.C. This is highly unjustified and uncalled for and we are

compelled to take adverse notice against the contemnors. But, since the ld.Counsel for the contemnors has prayed at the time of hearing to-day for 4 weeks further time to file compliance report supported by documents and statement, we grant his prayer. It is made clear that the contemnors shall comply with the said order within a period of 4 weeks from to-day and submit compliance report in all respects with supporting documents and statement on the next date. The case is adjourned for 28-8-03. We make it clear that in case the compliance report is not filed by the next date then appropriate order shall be passed by the next date.

Nityananda Prusty,
Judicial Member.

B.P.Singh,
Administrative Member.

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