

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

MA 312 of 2008
MA 273 of 2005
(O.A. 1244 of 1997)

Date of Order : 18-11-2008

Present : Hon'ble Mr. K.V. Sachidanandan, Vice-Chairman
Hon'ble Mr. Champak Chatterji, Administrative Member

Maheshwar Chatterjee
-VS-
S.E. Railway

For the Applicant : Mr. A. Chakraborty, Counsel
Mr. B. Chatterjee, Counsel
For the Respondents: Mr. K. Sarkar, Counsel

ORDER (ORAL)

PER MR. K.V. SACHIDANANDAN, VC:

MA 312 of 2008 is an application for condonation of delay in filing the application for execution of the order under Rule 24 of CAT Act.

2. Ld. Counsel for the parties are present and heard. The Ld. Counsel for the respondents has taken us to a decision reported in 1997 SCC (L&S) 943 in the case of Hukum Raj Khinvsara -VS- Union of India and contended legal position that delay cannot be condoned if it is beyond one year. Ld. Counsel for the respondents submitted that he has filed application for condonation of delay which is entertainable in view of Section 5 of the Limitation Act.

3. Considering the entire issue involved in this case, we are of the view that delay for 184 days is to be condoned. Delay is accordingly condoned. MA, thus, stands allowed and disposed of.

4. MA 273 of 2005 is an application for compliance of the order of the Tribunal dated 14.11.2003 passed in the 4 above MA. The operative part of the said order is as follows :



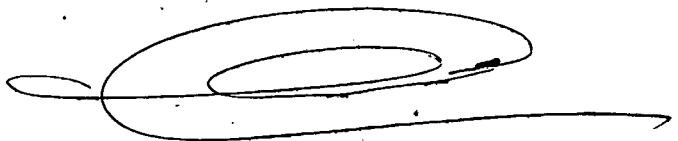
"We find that there were sufficient reasons for not filing representation within the time as stipulated by the Tribunal in the order dated 16.7.2002. Accordingly, the time for filing representation to the authorities is hereby extended for 8 weeks. In case such representation is filed within 8 weeks by the applicant, authority concerned is directed to consider the representation by passing a reasoned and speaking order within 4 months therefrom. The respondents are further directed to communicate the final decision to the applicant within three weeks from the date of passing order on such representation. The MA stands disposed of. No order as to costs".

5. The Ld. Counsel for the applicant submitted that the order is not being complied with by the respondents.

6. Considering the entire issue involved in this case, we are of the view that respondent No.2 or any other competent authority shall consider and dispose of the matter and pass appropriate order accordingly. ~~Since there is sufficient delay,~~ the applicant is directed to forward copy of the order etc. to the said authority forthwith. MA 273 of 2005 is also allowed and disposed of.



MEMBER(A)



VICE-CHAIRMAN

DKN