

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. OA 532 of 97

OA 664 of 97

Present : Hon'ble Dr. B.C.Sarma, Administrative Member

Hon'ble Mr.D.Purkayastha, Judicial Member

SUBRATA SEN & ORS.

TARAK NATH MUKHERJEE

VS

UNION OF INDIA & ORS.

For the applicants : Mr.R.K.De, counsel

For the respondents : Ms.K.Banerjee, counsel

Heard on : 19.11.97

Order on : 19.11.97

O R D E R

B.C.Sarma, A.M.

The admission hearing of both the matter was taken up simultaneously since they involve similar points of law. The applicants are aggrieved by the non-consideration of the judgment passed in OA 217 of 95 and OA 218 of 95 dated 18.8.95 as stated in the Annexures to the application. Hence this application.

2. In this case we find that there was an order passed by the Tribunal dated 20.6.95 from which it appears that the 1st. counsel Mr.De for the applicant produced a letter given to him by the respondents making a prayer for adjournment and also for time for filing the reply. The direction to the respondents was that to file a reply at least a week before the next date fixed which is today. When the admission hearing of the matter was taken up today Ms.Banerjee counsel for the respondents who was not engaged at the time of earlier hearing of the matter was present. She submits that she should be

given further time to file reply. She also submits that the reply is almost ready. However, Mr.De produces 2 letters dated 30.5.97 and 28.8.97 written by Major S.Debnath of Garrison Engineers. As per submission of Mr.De it appears that the Union of India has filed an S.L.P.(Civil) No.1579 of 97 and that was dismissed against the judgment the benefit\$ of which the applicants have claimed. In the second letter it is stated categorically by the said authority that Army HQ, vide their Signal No.496670/E1C dated 29.7.97 has now intimated that fresh orders are likely to be issued by Government of India, Ministry of Defence in compliance with the judgment dated 17.2.97 of the Hon'ble Apex Court. In any event, after the S.L.P. has been dismissed by the Hon'ble Apex Court, the respondents will have to implement the said judgment. Accordingly Mr.De submits that the matter need not be adjourned and the two matters be disposed of.

3. We have heard both the counsel and perused the records. Although Ms.Banerjee, counsel for the respondents has objected to the disposal of these two applications as prayed for by Mr.De, we are of the view that the matter need not be kept pending and it is possible to dispose of <sup>on the basis of</sup> ~~by~~ the two letters produced by Mr.De before us. Accordingly, on the basis of the assurance given by the respondents to Mr.De in the said two letters the applications are disposed of at the stage of admission itself with a direction that as and when appropriate instruction comes from the Govt. of India the respondents shall act on the basis of that instruction and give the benefits of the judgment to the applicants within 2 months from the date of receipt of the said instruction from the Govt. of India. Copies of the two letters be kept as part of record duly attested by the 1st counsel for the applicants.

MEMBER (J)

MEMBER (A)