

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 1101/97

Date of the order: 5.10.04

Present : Hon'ble Mr. Sarweshwar Jha, Member (A)

Hon'ble Mr. Mukesh Kumar Gupta, Member (J)

Somari Devi

Applicant

v.

Union of India

Respondent

For the applicant : Mr.B.Chatterjee

For the respondents : Mr.P.K. Arora

ORDER

Per Mukesh Kumar Gupta, Member (J):

1. The above O.A. was allowed by order dated 30.10.1998 which was set aside on a writ petition filed by the respondents in W.P.C.T. No.34/99 vide order dated 9.7.2002 with the following observation:

"From the impugned order it also appears to us that without adding the said Smt.Purbatia Malahin, as a party-respondent to this petition and without serving a notice in the correct address, the entire matter was taken up on a day when the matter was not kept for hearing. In fact it was placed for orders regarding the service on Smt.Purbatia Malahin. Such being the state of affairs, we have no other alternative but to set aside the order of the Tribunal and send the case back on remand for impleading Smt.Purbatia Malahin as party-respondent to the petition filed before the Tribunal. It is for the writ petitioner to serve a notice upon the said Smt.Purbatia Malahin in the following address:

- 1) A.B. Lane, Serampore, District-Hooghly;
- 2) Street No.38, Qr.No.33A, Chittaranjan in the state of West Bengal,
- 3) Vill.Burwan, POLPS Loilwar, Distt.Bhojpur

After service is effected the Tribunal shall decide the matter on merits and after hearing the parties and by passing a reasoned order in accordance with law.

This O.A. was received on an MA filed by the applicant herein vide MA No. 260/04 decided on 13.5.2004. It is unfortunate that till date despite the above direction issued by the Hon'ble High Court Smt.Purbatia Malahin has not been impleaded and no notice has been issued to her. Accordingly the respondents herein are directed to implead Smt.Purbatia Malahin as second respondent and accordingly amend the cause title of the O.A. and also serve a notice upon her requiring her to appear before this Tribunal on 7.12.2004. It is made clear that the respondents shall take necessary steps within a period of two weeks from today.

A plain copy of the order may be made available to the respondents.

MEMBER (J)

MEMBER(A)

bsv