

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

NO. R.A. 31 of 1999
M.A. 28 of 2000
(O.A. 1286/1997)

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

UNION OF INDIA & ORS.

VS.

SUKHENDU KUMAR CHAKRABORTY

For the applicants : Mrs. R.Basu, counsel

For the opposite party : Mr. M. Lal, counsel

Heard on : 13.4.2000

Order on : 13.4.2000

O R D E R

D. Purkayastha, J.M.

The R.A. Bearing No.31 of 1999 has been filed by the official respondents in O.A.No.1286/1997 for review of the order dated 15.2.99 passed by this Tribunal in O.A.1286/1997 on the grounds stated therein. They have also filed one M.A. Bearing No.28/2000 for staying the operation of the aforesaid order dated 15.2.99 till disposal of the review application.

2. We have heard both sides and have perused the records. It is stated by the applicants in this review application that the order dated 15.2.99 passed by the Tribunal ex parte in O.A.No.1286/97 and the official respondents(in O.A.) did not get the opportunity to produce the relevant records before the court, therefore, the order dated 15.2.99 should be recalled for the interest of justice. On a perusal of the records, we find that the judgment dated 15.2.99 in O.A.1286/97 has not been suddenly and before final disposal of the case, several opportunities were given to the respondents for production of departmental

records and for filing reply to the O.A., but the respondents neither produced any record nor filed any reply in respect of the O.A. 1286/97. Therefore, the case was decided ex parte. Now after disposal of the case, they have come before this Tribunal to patch up the laches on their part.

3. Ld. counsel, Mrs. R. Basu appearing on behalf of the applicants in the R.A. submits that due to change in the panel in the department of advocates/nobody could appear on the date fixed for hearing of the O.A. 1286/1997 therefore, they should be given a chance for production of relevant records for the interest of justice and the order dated 15.2.99 may be recalled.

4. Ld. counsel, Mr. M. Lal appearing on behalf of the original applicant(respondent in the R.A.) submits that the respondents/issued one letter to the applicant in respect of payment of leave salary on 22nd July, 1999 and that benefit has been sanctioned by the competent authority in pursuance of the judgment of this Tribunal dated 15.2.99 in O.A. 1286/97. Therefore, the claim of the applicants(in R.A.) should not be entertained after disposal of the O.A. at this stage.

5. We have considered the submissions made by the ld. counsel for both sides and have gone through the order dated 15.2.99 passed in O.A.No.1286/1997. On a perusal of the said order we find that the applicant had challenged the amount of leave salary payable to him. He also challenged the findings of the Pension Adalat. However, the application was allowed and the respondents were directed to give the benefit of leave salary to the applicant as per rules. It is found that the judgment was passed by the Tribunal after appreciation of all the records available at the time of hearing and since the respondents(in O.A.) failed to produce the ^{departmental} records, the Tribunal could not consider the same. We find from the records that sufficient scope has been given to the department for production of records but they failed to produce the records on the date

of passing of the final order on 15.2.99.

6. In view of the aforesaid circumstances, we do not find any reason for recalling the order dated 15.2.99 passed by the Tribunal in O.A.1286/1997. Thereby, the R.A. bearing No.31/1999 is hereby dismissed as being devoid of any merit. Accordingly No.28/2000 the M.A. which has been filed for staying the operation of the aforesaid order dated 15.2.99 stands disposed of.

7. No order is passed as to costs.

G.S. Narang
(3.4.2000)
MEMBER(A)

M.L. Joshi
(3.4.2000)
MEMBER(J)