

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. CPC 146 of 2000
(OA 655 of 97)

Date of order : 9.1.2003

Present : Hon'ble Mr. S. Biswas, Administrative Member
Hon'ble Mr. Sathath Khan, Judicial Member

ASHIMARANI MUKHERJEE

VS

UNION OF INDIA & ORS.

For the applicant : Mr. B. Chatterjee, counsel

For the respondents: Mr. P. K. Arora, counsel

O R D E R

S. Biswas, A. M.

The 1d. counsel for the applicant (respondents in CPC) states that the applicant (respondents in OA) went before the Hon'ble High Court challenging the order of the Tribunal dated 12.6.2000 passed in OA 655/97 which states, in WPCT No. 814/2000,

"Having heard the learned counsel for the parties, we are of the opinion that keeping in view the fact that an order of removal order purported to have been passed against the husband of the first respondent herein without casting stigma, the 1d. Tribunal cannot be said to have committed an illegality in passing the impugned order. In any event, in view of several decisions of the Apex Court, such an order of removal could not have been passed without compliance of principle of natural justice."

2. The 1d. counsel for the respondents in OA 655/97 opposed the CPC stating that the department has filed a Review before the Hon'ble High Court which is pending and admittedly no stay has yet been granted on the review. He further submits that the OA stands stayed by a different order by the Hon'ble High Court.

3. Having considered all this we are of the view that the order in WPCT 814/2000 is clearly ruling the field and the order of the Tribunal ought to have been implemented. We therefore direct the respondents in the OA either to obtain a stay within