

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

M.A. No.104 of 1999
(O.A. No.375/97)

Present: Hon'ble Mr. D. Purakayastha, Judicial Member
Hon'ble Mr. B. P. Singh, Administrative Member

ALOK BHUSAN DASGUPTA

VS

UNION OF INDIA & ORS.

For the Applicant : Mr. B. R. Das, counsel
Mr. B. P. Manna, counsel

For the Respondents: Mrs. U. Sanyal, counsel

Heard on 29.7.1999 : : Date of order: 29.7.1999

O R D E R

D. Purkayastha, JM

Heard the learned advocates of both the parties. This MA has been filed by the applicant seeking for an interim order directing the respondents to consider the case of the applicant for the purpose of promotion to the cadre of TES Group 'B' from the post of JTO. It is found that the applicant is claiming seniority over the officers whose ACRs have been called for by the Department for consideration by a notification dated 29.1.1999, Annexure/J to the MA. But in the original application the applicant has sought for correction of the seniority as assigned by the Department in respect of the applicant. So, unless the original application is heard, the present MA cannot be considered ^{for a fit case} for granting an interim order of injunction, as prayed for because ^{it} ~~that~~ will be prejudging the case before its hearing. In view of the aforesaid circumstances we hold that the fate of the applicant will be decided on the merits of the original application. If he succeeds in that application, ^{appropriate relief} ~~his interest~~ ^{will be protected}, ~~There will be no inequitable loss, if prayer is rejected~~ will be protected. With this observation MA is disposed of. OA is fixed for hearing on 12.11.1999.

MEMBER (A)

MEMBER (J)