

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

M.A. 220 of 1997
(O.A.491 of 1997)

Present : Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman
Hon'ble Mr. M.S. Mukherjee, Administrative Member

S. Samanta, s/o Late S.P. Samanta, aged about 42 years, Head Draftsman(C)WOT/Calcutta, Navy Office, Hastings, Calcutta-22, residing at EB 123, Salt Lake, Sector-1, Calcutta-700 064

..... Applicant

-Vs-

1. Union of India, through the Chief of Naval Staff, Directorate of Naval Architecture, Sena Bhavan, New Delhi-110 011 ;
2. Warship Production Superintendent, Warship Overseeing Team, Calcutta Navy Office, Hastings, Calcutta-22 & Ors.

..... Respondents

For the applicant : Mr. B. Chatterjee, counsel
For the respondents : Ms. K. Banerjee, counsel

Heard on : 26.6.1997 - Order on : 30.6.1997

O R D E R

A.K. Chatterjee, VC

The petitioner S. Samanta, a Head Draftsman of Warship Overseeing Team of Navy Office, Calcutta was transferred to Visakhapatnam, challenging which he filed O.A.402/97, which was disposed of on 15.4.97 with a direction upon the concerned authorities to treat the application as a representation and to decide it in due course and pending disposal, the petitioner need not report at the transferred station. Such representation was, however, turned down by an order made by the concerned authority on 25.4.97 and the

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petitioner was intimated by an order dt. 29.4.97 that he should proceed to Visakhapatnam and he will be struck off strength on 30.4.97. The petitioner again filed another O.A. being O.A. 491 of 1997 on 2.5.97. This O.A. was disposed of on the same date with a direction upon the Chief of Naval Staff, Directorate of Naval Architecture, Sena Bhavan, New Delhi to treat the application as a representation and to dispose it of by passing a speaking order and till such disposal, the petitioner was not to be relieved from the post from which he has been transferred unless he was already released in the meantime. In the present Misc. Application, a prayer has been made for a direction upon the Warship Production Superintendent of Warship Overseeing Team, Calcutta Navy Office to make payment of the monthly wages for May, 1997 pending disposal of this application and to allow him to work till final reply is given by the respondent No.1, the Chief of Naval Staff of the Directorate of Naval Architecture.


2. We have heard the Ld. Counsel for both the parties and perused the application together with the annexures as well as the reply thereto filed on behalf of the respondents. It appears that after the disposal of O.A.402/97, the application was considered by the concerned authority treating it as a representation but it did not find favour as evident from the order dt.25.4.97 and by an order dt.29.4.97, the petitioner was struck off strength on 30.4.97 and asked to proceed to Visakhapatnam. In such circumstances, there is hardly any scope for any direction upon the Calcutta Office to disburse the pay of the petitioner for the month of May, 1997. We also find that the order passed on 2.5.97 on O.A.491/97 hardly comes to the aid of the petitioner in so far as his prayer for disbursement of salary for the month of May, 1997 is concerned, because even prior to this date, the petitioner was struck off strength of

Calcutta Office from 30.4.97. The order dt.2.5.97 directed that the petitioner was not to be relieved from the post on which he has been transferred unless he was already released in the meantime. The petitioner having been already released before the order was passed, it was no doubt infructuous to this extent.

3. On the aforesaid premises, we see no ground to make any order for disbursement of pay for the month of May, 1997 or even for any direction to allow him to work till final reply is given by the Chief of Naval Staff Directorate of Naval Architecture pursuant to the order dt.2.5.97 in O.A. No. 491 of 1997.

4. The M.A. is thus dismissed. No order is made as to costs.


30/6/97
(M.S. Mukherjee)
Member (A)


30.6.97
(A.K. Chatterjee)
Vice-Chairman