

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

MA No. 241 of 1998
(OA No. 1137 of 1997)

Present: Hon'ble Mr. S. Dasgupta, Administrative Member

Hon'ble Mr. D. Purakayastha, Judicial Member

UNION OF INDIA & ORS.

VS

MICHEL DEMTA

For the Applicants: Mr. C. Samaddar, counsel

For the Respondent : Mr. A.K. Banerjee, counsel

Heard on 21.7.1998

: :

Date of order: 21.7.1998

O R D E R

S. Dasgupta, AM

In this miscellaneous application the respondents in OA 1137/97 have prayed for extension of time by six months for compliance of the Tribunal's order.

2. The Tribunal by its order dated 5.11.97 had given six months time from the date of communication of that order for completion of the disciplinary proceeding upto the stage of passing final order by the appropriate authority. By this miscellaneous application it was brought out that although the enquiry etc. were completed within the period of six months granted to the respondents, the matter is still pending before the appropriate authority for passing of the final order.

3. The learned counsel for the applicant in OA submits that the Bench after passing the order has become functus officio and, therefore, does not have jurisdiction for considering the miscellaneous application for extension of time. He also submits that it is particularly so when the period of compliance of the order has already expired. We are unable to agree with this contention.

In a Full Bench decision of this Tribunal it has been held that order even after a Bench has passed an order and the said has not been complied with, the Bench will not be functus officio in considering

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the application for extension of time.

4. Considering the facts and circumstances of the case we are of the view that two months' time should be sufficient for the original respondents to pass the final order. Accordingly we grant two months' time from the date of this order to pass the final order. A plain copy of this order be given by tomorrow to the learned counsel for the original respondents. M.A. stands disposed of.



(D. Purkayastha)

MEMBER (J)

21.7.1998



(S. Dasgupta)

MEMBER (A)

21.7.1998