

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

M.A. No. 387 of 1997.

(OA No. 1066 of 1997)

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

SHAMBHU NATH PATHAK

VRS.

UNION OF INDIA & ORS. (Defence)

For applicant : Mr. S.N. Roy, Counsel.

For respondents : Ms. U. Bhattacharjee, Counsel.

Heard on : 27.10.97.

Ordered on : 27.10.97.

O R D E R

B.C. Sarma, AM.

1. When the matter was taken up for hearing and order, Mrs. Bhattacharjee, 1d. Counsel for the respondents submits that in this case, the respondents had already passed Orders relieving the applicant from the post held by him in Calcutta by an Order dated 12.9.97. Mrs. Bhattacharjee also produced before us a letter written by her client on 6.10.97 addressed to her whereat a copy of the Order dated 12.9.97 was also annexed. We have perused ^{with} that letter. According to Mrs. Bhattacharjee, the applicant, therefore, suppressed the information that he was not relieved from the office when the Interim Order was prayed for on 22.9.97. However, Mr. Roy, 1d. Counsel for the applicant, strongly opposes the submission of Mrs. Bhattacharjee on the ground that no relieving order was passed on the applicant.

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2. We have heard the submission of the 1d. Counsel for both the parties and considered the facts and circumstances of the case. We find that the Order dated 22.9.1997 was an ex-parte order. On that date, the 1d. Counsel for the applicant was categorically asked by this Bench whether the applicant was relieved from the post. but the reply was in the negative. and, that was why, the Interim Order was passed. But today, after perusing the record produced before us by Mrs. Bhattacharjee, we find that the applicant was relieved by an Order dated 12.9.1997. We further note that the applicant was transferred by an Order dated 9.6.1994 (Office Order No. 412). However, that is about the merit of the Original Application. We, therefore, find that the applicant had deliberately suppressed the information before us and thus obtained an Interim Order from this Tribunal, which obviously becomes infructuous since he had already been relieved on 12.9.1997. The applicant is a responsible officer and he should not have done like this and, for this act, we reprimand him.

3. Accordingly, we order that the Interim Order passed on 22.9.97 be vacated and the M.A. is thus disposed of without passing any Order as to costs. The respondents are directed to file reply in the O.A.

(D. Purkayastha)
Member (J)


(B.C. Sarma)
Member (A)