

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. M.A. 438 of 1997  
(O.A. 875 of 1997)

Present : Hon'ble Dr. B. C. Sarma, Administrative Member.

Hon'ble Mr. D. Purkayastha, Judicial Member.  
UNION OF INDIA & ORS. vs.

DR. BHARAT CHANDRA PATI, JUDGE.

For the applicant : Mr. Madhusudan Banerjee, counsel.

For the respondents: Mr. S. K. Mukherjee, counsel.

Heard on : 28.11.1997

Order on : 28.11.1997

ORDER

B. C. Sarma, A. M.

This M.A. was filed with a prayer that the interim order granted on 29.7.1997 which was extended subsequently, be vacated. The respondent in this case has also filed a reply.

2. We have perused the application as well as the reply. We find that the said interim order dated 29.7.1997 was extended from time to time and by an order dated 11.8.1997, it was extended till 12.11.1997. On that date, there is no order regarding extension of the interim order.

3. Mr. S. K. Mukherjee, counsel for the instant opposite party, who is for the applicant in the O.A., submits that the court had granted liberty to contest and to file reply to the miscellaneous application and, therefore, it should be implied that the interim order was extended also beyond 12.11.97.

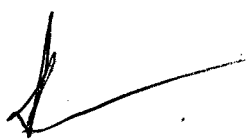


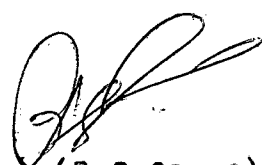
4. We have considered this aspect of Mr. Mukherjee's submission, but we find that there is a catena of orders in the order sheets <sup>showing</sup> that the interim order was extended upto 12.11.1997 <sup>only</sup>. This extension does not mean that the interim order was to be extended further <sup>beyond 12/11/97</sup> as liberty was granted for filing the reply to the M.A.

5. We find that the M.A. has become infructuous and hence it should be dismissed. We would also like to observe that in paragraph 12 of the miscellaneous application that the applicants have made a particular averment that the O.P. did not comply with the direction regarding foregoing of promotion passed in the interim order dated 29.7.1997.

6. However, we order that the M.A. has become infructuous and is dismissed.

7. No order is made as to costs.

  
(D. Purkayastha)  
Judicial Member

  
(B.C. Sarma)  
Administrative Member