

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

M.A. 4 of 99

(O.A. 699 of 97)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member.

Hon'ble Mr. B.P. Singh, Administrative Member.

Union of India & Ors.

-v e r s u s -

Tarak Nath Mukherjee

(For the applicants : Ms. K. Banerjee, counsel.

For the respondents : Mr. R.K. De, counsel.

Heard on 17.6.99

Order on 17.6.99

O R D E R

D. Purkayastha, JM

This is a second application filed by the official respondents for extension of time in the matter of implementation of the judgment and order dated 19.11.98 passed in O.A. No. 699/97. It is found that the official respondents had earlier filed two M.As bearing Nos. 195/98 and 196/98 - one for extension of time for implementation of the judgment and other for condonation of delay for filing the said M.A. 195/98. The aforesaid M.As were disposed of by this Tribunal by an order dated 19.11.98.

From the order dated 19.11.98, it is found that the similar prayer has been made therein by the official respondents stating that all the formalities are going to be completed within a very short period and the payment will be made very soon. On the basis of the said submission made by the Id. counsel on behalf of the official respondents, this Tribunal had granted extension of time of two months from 19.11.98. Despite that, the respondents did not comply with the direction contained in the judgment, even assurance given by the Id. counsel for the official respondents in M.A. 195/98 at the time of disposal on 19.11.98, was not complied with. The instant application has been filed by the official

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respondents with similar relief stating ~~in which~~ that the respondents concerned have no knowledge regarding occurrence of vacancy under CE Eastern Command and as such it will not be possible for them to take necessary steps for promoting the applicants to Stenographer Gr.II in the absence of vacancy under CE Eastern Command. It is also stated that there is no vacancy in the cadre of stenographer Gr.II thereby they are unable to give the benefit of the judgment unless a fresh vacancy is occurred.

2. Mr. De, Id. counsel appearing on behalf of the applicant in O.A., resisted the claim of the official respondents.

3. Ms. Banerjee, Id. counsel on behalf of the official respondents <sup>and</sup> strenuously argued before us. ~~she~~ submits that further time of six months may be granted w.e.f. from 18.1.99 for full compliance with the direction given by the Hon'ble Tribunal in their judgment and order dated 19.11.98.

4. We have considered the submission of the Id. counsels of both the parties and we have gone through the application. We find that the respondents are guilty for laches in the matter of implementation of the judgment. No action has been taken for removal of the grievance of the applicant on the basis of the direction contained in the judgment. On the contrary, they have taken some technical plea that there is <sup>no</sup> ~~vacancy~~ in stenographer Gr.II in this case.

5. In view of the aforesaid circumstances, we find that inaction and laches on the part of the respondents in the matter of implementation of the judgment does not speak well. ~~But~~ for the interest of justice, we are allowing six months time to the official respondents, as prayed for in this application, w.e.f. 18.1.99 which will end on 31.7.99. No further extension of time will be granted. ~~However~~ we also find that the applicants (in O.A.) were suffering due to non-compliance of the judgment. Thereby we allow the prayer subject to payment of the cost of Rs.500/- to each of the applicants. It will open to the respondents to deduct the aforesaid ~~amount~~ of costs from the officials who are found to be responsible for this delay.

20/7/99  
Member (A)

20/7/99  
Member (J)