

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. M.A. 623 of 1999
(O.A. 571/1997)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. G.S. Maingi, Administrative Member

KSHETRAPAL SHARMA

VS.

UNION OF INDIA & ORS.

For the applicant : In person

For the respondents : Mr. S. Banerjee, counsel

Heard on : 20.01.2000

Order on : 20.01.2000

O R D E R

D. Purkayastha, J.M.

Heard the applicant in person and the ld. counsel for the respondents.

2. Ld. counsel for the respondents, Mr. S. Banerjee has submitted that this M.A. bearing No. 623/99 is not maintainable in view of the fact that the O.A. bearing No. 571/1997 has already been disposed of on 13.5.99 by this Tribunal with certain directions upon the respondents and the respondent-authorities have disposed of the representation of the applicant as per direction of the Tribunal and necessary orders have been passed as per rules. So, if the applicant is aggrieved by the decision taken by the respondents, he should approach the Tribunal by filing a fresh application not by filing M.A..

3. We have considered the submissions made by the ld. counsel for the respondents. We have also heard the applicant who is appearing in person. From the records, it appears that the applicant filed one O.A. bearing No. 571/1997 seeking relief in respect of ACRs which has been disposed of by the Tribunal on 13.5.99 with a direction upon the respondents to dispose of the representation of the applicant within 4 months treating that O.A. as a part of the same. Accordingly, the respondents disposed

the representation filed by the applicant. It is also found that the applicant was given the liberty to approach the Tribunal again if he is aggrieved by the decision taken by the respondents. In pursuance of the said order, when the respondents passed relevant order on 7th September, 1999, the applicant has come before this Tribunal by filing this M.A. bearing No.623/99 arising out of the O.A.571/1997. But as per the extant rules, the applicant should have come before the Tribunal with a fresh application, if he is aggrieved by the decision taken by the authorities. So, the M.A. is not maintainable as per rules.

3. In view of the above, the M.A. bearing No.623/99 is hereby disposed of. The applicant is directed to file a fresh application challenging the validity of the impugned order dated 7.9.99 passed by the authorities, if he so desires.

4. No order is passed as to costs.


MEMBER(A)


MEMBER(J)

s.m.