

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. M.A.491 of 1998
O.A.1376 of 1997

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.
Hon'ble Mr. B.P. Singh, Administrative Member.

KAUSAL KISHORE PRASAD

vs.

UNION OF INDIA & ORS.

For the applicant : Mr. Samir Ghosh, counsel.

For the respondents: Mrs. Uma Sanyal, counsel.

Heard on : 3.11.1998

Order on : 3.11.1998

ORDER

S.N. Mallick, V.C.

We have heard the ld. counsel appearing for the applicant and the ld. counsel for the respondents in respect of M.A.491 of 1998.

2. The connected O.A. No.1376 of 1997 was filed by the applicant on 5.12.1997 against the order of termination of service dated 20.11.1997 passed against him by the respondent authority.

3. Admittedly, no appeal was filed against the above order of termination by the applicant before filing the instant O.A. It is also undisputed that an appeal against the said order of termination has been preferred by the applicant to the appellate authority on 8th September, 1998. It is submitted by Mrs. Uma Sanyal, the ld. counsel for the respondents, that this appeal has not been filed through


proper channel. Be that as it may, Mr. Samir Ghosh's contention is that in view of this defect, he has been instructed by his client to withdraw this application, only with a direction to the respondent-authorities to dispose of the appeal.


4. This is quite a reasonable prayer. We allow this O.A. to be withdrawn with liberty to the applicant to sue afresh on the same cause of action, if so advised.

5. The applicant is, however, permitted to file an appeal against the order of termination before the appellate authority in proper form within three weeks from date. The respondent-authorities are directed to dispose of the said appeal according to law within eight weeks from the date of receipt of the appeal, after condoning the delay in the matter of filing the appeal and shall dispose it of by passing a speaking order, after giving the applicant a reasonable opportunity of hearing and the order passed on the appeal shall be communicated to the applicant within two weeks from the date of passing such order.

6. The M.A. also stands disposed of.

7. No order is made as to costs.


(B.P. Singh)
Administrative Member


(S.N. Pallick)
Vice-Chairman

r.s.