

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A. 518 of 1997

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

MADAN MOHAN PATRA & ORS.

VS.

UNION OF INDIA & ORS.

For the applicants : Mr. Samir Ghosh, counsel

For the respondents : Dr. S. Sinha, counsel

Heard on : 7.9.2000

Order on : 7.9.2000

O R D E R

D. Purkayastha, J.M.

Heard ld. counsel for both sides. Id. counsel, Mr. Samir Ghosh appearing on behalf of the applicants, submits that this case is covered by the judgment passed by the Hon'ble Apex Court in case of Union of India & Ors. Vs. Subir Mukherjee & Ors. reported in JT 1998(3) SC-540. So, the respondents may be directed to consider this case in the light of the said judgment of the Hon'ble Supreme Court. On the other hand, Id. counsel, Dr. S. Sinha appearing on behalf of the respondents, submits that the Tribunal has no jurisdiction to try this matter in view of the judgment passed in Civil Appeal No. 1358 of 96 in case of Biswanath Saha & Ors. Vs. Union of India & Ors. which has been affirmed by the Hon'ble Apex Court by a judgment dated 3rd April, 1997.

2. We have considered the aforesaid circumstances . We find that the judgment as referred to by the 1d. counsel for the respondents, Dr. Sinha, has been considered by the Hon'ble Supreme Court in a subsequent judgment passed in case of Union of India & Ors. Vs. Subir Mukherjee & Ors. as mentioned by the 1d. counsel for the applicant, Mr. Ghosh.

3. In view of the above, we direct the respondents to consider the representation of the applicant, in the light of the aforesaid judgment of the Hon'ble Apex Court reported in J.T 1998(3) SC-540(Union of India & Ors. Vs. Subir Mukherjee & Ors.) within 3 months from the date of communication of this order. Liberty is given to the respondents to scrutinize the genuinity of the applicants, in accordance with the rules if they so desire. With these observations, the application is disposed of awarding no cost.

*Ch. Bhawani*  
8.9.2000

MEMBER(A)

*H. D. J.*  
MEMBER(J)  
7/9/2002