

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No. 655 of 2005

Patna, dated the 3<sup>rd</sup> October, 2005

CORAM: The Hon'ble Mr. Justice P.K. Sinha, Vice-Chairman

The Hon'ble Mr. M., Member[A]

Tuntun Das

Applicant

By Advocate : Shri Sushil Kumar

versus

The Union of India & others

Respondents

By Advocate : Shri P.N.Kumar

ORDER

Justice P.K. Sinha, Vice-Chairman:-

This is an application for directing the respondents to allow the applicant to work and discharge his duties as he was discharging since 21.6.1999 as GDSBPM. His appointment as such appears to have been set aside by an order by this Tribunal in OA 504/99 in which the applicant appeared as respondent no.5. Undisputed fact is that against that order, the applicant moved the High Court of Judicature at Patna in which the Hon'ble Court were pleased to pass a stay order which is, as admitted, continuing. It is submitted that despite the stay order, the respondents are not allowing the applicant to function as he was functioning. The learned counsel for the respondents points out that for that a petition for contempt has also been filed in the High Court.

2. The matter as to whether the applicant would continue working after an order passed by this Tribunal, as aforesaid, is before the Hon'ble High



Court which Court has already passed stay order. Since the matter is pending before the Hon'ble High Court, this application, in our opinion, would not be maintainable before his Tribunal, at least till the matter is pending there.

2. In that view of the matter, finding the application not maintainable at present, it is dismissed of as such.

 [Manttreshwar Jha] MA

cm



[P.K.Sinha] VC