

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

GULESTAN BLDG. NO. 6, 3RD/4TH FLOOR,
PRESKOT ROAD, FORT, BOMBAY - 400 001

R.P. NO. 112/95 AND M.P. No. 893/95

IN

ORIGINAL APPLICATION NO.: 1002/95.

Mrs. Anju Das Gupta ... Applicant

Versus

Union Of India & 13 Others ... Respondents.

CORAM :

Hon'ble Shri B. S. Hegde, Member (J).

Hon'ble Shri M. R. Kolhatkar, Member (A).

APPEARANCE :

1. Shri M. S. Ramamurthy,
Counsel for the applicant.
2. Shri P. M. Pradhan,
Counsel for the official respondents.
3. Shri G. K. Masand,
Counsel for the review petitioner
(Original Respondent No. 13).

TRIBUNAL'S ORDER:

DATED : JANUARY 16, 1996.

1. Heard Shri M.S. Ramamurthy, Counsel for the applicant, Shri P. M. Pradhan, Counsel for the official respondents and Shri G.K. Masand, Counsel for the Review Petitioner. The Learned Counsel for the original applicant, Shri M.S. Ramamurthy, submitted that since the respondents have filed a S.L.P. against the interim order passed by the Tribunal vide dated 15.09.1995 which has been dismissed by

the Supreme Court on 04.01.1996 both the R.P. and M.P. will not survive and the same requires to be dismissed. As against this, the Learned Counsel for the Review Petitioner, Shri Masand submitted that it is incorrect to state that just because the S.L.P. filed by the respondents has been dismissed by the Supreme Court, the Review Petition filed by the Review Applicant cannot be sustained. It is open to the Review Applicant to seek for review of the order passed by the Tribunal if he or she is otherwise aggrieved by the said order and if she has not been heard when the Tribunal passed the order. Shri Pradhan, Learned Counsel for the official respondents, filed an M.P. No. 893/95 for modification of the interim order passed by the Tribunal stating that one more vacancy will be kept vacant so as to enable the original applicant to accomodate in case she succeeds in the O.A. and allow the panel to operate, etc.

2. The Tribunal passed the interim order after hearing the Learned Counsel for the applicant as well as official respondents and on going through the pleadings of the parties, directed the respondents not to appoint anyone including the present Review Petitioner till the disposal of the O.A. Since the subject matter is a very controversial one and the interim order was allowed to operate till now, in the facts and circumstances of the case, with the consent of the parties, the subject matter is fixed for final hearing on 12.03.1996 ultimately so as to arrive at a reasonable

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conclusion. Accordingly, both the Review Petition as well as Miscellaneous Petition are fixed for hearing alongwith the O.A. on 12th March, 1996.

M.R.Kolhatkar

(M. R. KOLHATKAR)
MEMBER (A).

B.S.Hegde

(B. S. HEGDE)
MEMBER (J).

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