

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

HYDERABAD

--- Date of Order: 26-4-93

MA No. 302/93 & C.P.No. 22/93

in

OA No. 307/92

Between

1. U.O.I. rep. by the Secretary,
Min. of Defence
Deptt. of Defence Production,
New Delhi. (Mr.V.K.Kapoor)

2. The Chairman and DG of
ordinance Factory Board,
Calcutta (K.Dwarakanath)

: Applicants in M.A.,
Respondents in C.P

And

B.S. Bhatia

: Respondent in M.A.
Applicant in C.P.

COUNSEL FOR THE APPLICANT/
RESPONDENTS

: Shri M. Jagan Mohan
Reddy

COUNSEL FOR THE RESPONDENT

: Shri B.S. Bhatia
party-in-person

CORAM

1. Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman

2. Hon'ble Shri P.T. Thiruvengadam, Member (Admn.)

(Judgement of the divn. bench delivered by Justice
Shri V. Neeladri Rao, Vice-Chairman)

Heard both the sides.

The operative portion of the order dated
9-6-92 is as under:

" Under these circumstances, we direct the
respondents to promote the applicant also to the
Senior Administrative Grade w.e.f. 15-12-91, provided
(a) The applicant had also been given the same
grading as Shri A.K. Bhanga in the D.P.C. based on
which Shri A.K. Bhanga was promoted and

To

1. The Secretary, Ministry of Defence,
Dept.of Defence Production,
New Delhi.
2. The Chairman and DG of Ordinance Factory Board,
Calcutta.
3. One copy to Mr.M.Jaganmohan Reddy, Addl.CGSC. CAT.Hyd.
4. One copy to Mr.R.S.Bhatia, Party in person, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

Encl. 1

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302/104
RSC
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(b) There is nothing against the applicant being promoted such as disciplinary case etc."

The period of compliance was extended from time to time and when it ^{has} ~~is~~ to be complied with by 9-4-93 MA 302/93 is filed on 6-4-93 praying for extention of time. ^{22/93} ~~while the CP~~ was filed by the applicant on 8-4-93. ^{thus} ~~In fact~~ the CP was pre-mature.

It was submitted for the respondents that the order in this OA was not complied with under the impression that the order of the Calcutta Bench in TA 1069/86 may come in their way. But it is not emphatically stated that the order in OA 307/92 ~~in~~ on the file of this Bench is in conflict with TA 1069/86 on the file of Calcutta Bendh of C.A.T. ^{that} Be ^{as} it may, it is to be stated that if the respondents feel that the order in any proceedings of the Tribunal is in conflict with the earlier order of the same or ~~the~~ another bench of C.A.T., then the remedy is by way of moving the Tribunal ^{by revision} or moving the Supreme Court ^{by way of} ~~with an~~ appeal, and it is not a ground for non-implementation of the order. In these circumstances, it is just and proper to grant time till 15-6-93. The MA is ordered accordingly.

The CP 22/93 filed by the applicant is dismissed with no costs as it ^{is premature b/c it} ~~was~~ filed on 8-4-93 even though time for compliance was extended upto 9-4-93.

P. T. Thiruvengadam
(P.T. Thiruvengadam)
Member (Admn.)

V. Neeladri Rao
(V. Neeladri Rao)
Vice-Chairman

Open court dictation

NS

Dated 26th April, 1993.

8-29/4/93
Deputy Registrar

TYPED BY COMPARED BY
CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. ~~R. BALASUBRAMANIAN~~ *P. T. Tiruvengadu*
MEMBER (ADMN)

AND

THE HON'BLE MR. T. CHANDRASEKHAR
REDDY : MEMBER (JUL)

DATED: 26-4-1993

ORDER/JUDGMENT

R.P./C.P/M.A.No. 302/93 & CP 22/93
in

O.A.No. 307/92

T.A.No. (W.P.No)

Admitted and Interim directions
issued.

Allowed.

MA

Disposed of with directions **Central Administrative Tribunal**

Dismissed as withdrawn. **DESPATCH**

CP Dismissed **5 MAY 1993**

Dismissed for default. **HYDERABAD BENCH.**

Ordered/Rejected.

No order as to costs.

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