

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA No. 128 /97

Shri S.N. Commen

APPLICANT(S)

VERSUS

Union of India York

RESPONDENT(S)

In person

ADVOCATE FOR APPLICANT(S)

Mr. S. Ali, Sr. C.G.S.C.

ADVOCATE FOR RESPONDENT(S)

Govt. Adv. Tripura

Office Note

Date

Court Orders

Mentioned in
Court.

16-6-97

Mr. Sukumar N. Commen, the applicant
in person. Mr. S. Ali, Sr. C.G.S.C. for
respondent No.1. Mr. A. Roy with Mr. M. R.
Pathak learned counsel for respondent
No.2.

The applicant has mentioned and
requested that the application may be
taken up for consideration of Admission
unlisted to-day due to the urgency of
the matter. Considered his submission.
The O.A. is taken up for consideration
of Admission to-day as the matter is
urgent.

The applicant has submitted that
there is violation of statutory rules
and mala fide in his impugned trans-
fer from Agartala to Guwahati. Perused
the contents of the application and
heard the applicant. Prima facie the
contentions in the application need
scrutiny.

Application is admitted. Notice has
been received by Mr. Ali and Mr. A. Roy
on behalf of the respondent No.1 & 2.
No formal notice need be sent to them.
Notice be sent by Registered post to
respondent No.3 by to-morrow positively.
Notice on respondent No.4 to be served
by the applicant personally.

The matter is very urgent. There-
fore, as agreed by all concerned
present, the final hearing will be
contd/-

This application is in
form and within time
C. F. of Rs. 50/-
deposited vide
IPO Bill No. 0676955

Dated

3-6-97
16/6/97

On Register
8/6/97

16-6-97 taken up on 25-6-97. Mr. Roy assures that written statement will be submitted by him before the date of hearing and the applicant will also be served a copy of the same before the date.

List for hearing on 25-6-97.

Applicant prays for interim relief order. However Mr. Roy has vehemently opposed granting of interim order.

Heard both sides. Since the matter has been placed for final hearing on 25-6-97 for the ends of justice it is ordered that the respondents shall keep in abeyance the operation of the impugned order No. F/35 (01)-GA/74(L) dated 20-5-97 (Annexure 6) and No. F.35(GA)/74(L) dated 2-6-97 (Annexure 11) till 25-6-97.

Notice was sent by registered post. to
R.3.

MR
16/6

17.6.97

Notice was issued on 16.6.97
for Respondent No. 3
and issue to ~~16/6~~
the respondent by
registered post vide
Despatched No. 217
Dt. 17.6.97.

Box 24-6-97

written statement
filed on behalf of
the respondent
No - 2 & 5, at page
58 to 99.

lm

Dr
16/6

60
Member 16/6/97

18-6-97 Vide order dated 18-6-97 in
Misc. Petition No. 177/97, the amendment
has been allowed to the extent of
adding the name of Shri V. Thulasidas,
Chief Secretary, Government of Tripura,
Agartala
as Respondent No. 5. Hearing is listed on
25-6-97 has already ordered.

60
Member

lm

23.7.97

27:
No written statement
has been filed on
Respondent Nos 1, 3
and 4.

2) Memo of appearance
not yet filed for Respondent
Nos 1, 3 and 4.

3) Writ of summons filed
on R. 2 and 5.

✓
12/7.

Mr. _____, the
applicant is represented by
counsel Mr. A. Roy with Mr. A. Ghosh
for the State of Tripura. Mr. S.
Ali, learned Sr. C.G.S.C. for
respondent No.1.

Mr. Dommel has submitted in
writing that the respondent No.2,
State of Tripura, has issued (1) vide
Notification No. F.35(01)-GA/74(L)
dated 18.7.1997 cancelled the
impugned Notification No. F.35(01)-
GA/74(L) dated 20.5.1997 and
(2) vide Memo No. F.35(01)-GA/74(L)
dated 18.7.1997 superseded impugned
Memo No. F.35(GA)/74(L) dated
2.6.1997. Mr. A. Roy has confirmed
the statement of the applicant.
The applicant prays that in the
facts and circumstances he may be
allowed to withdraw the application.

Prayer of the applicant is
allowed. The application is
dismissed on withdrawal. No order as
to costs.

60
Member 23/7

24.7.97
Copy of the order
has been sent to the
R/for. for issuing the
same to the party along
with the copy of the application

Serial nos. 3, no.
12782 to 2790 on 24.7.97.

nkm

✓
23/7

24.6

25.6.97

H. Rejoinder
on behalf of the
Applicant at page
98 to 105.

2/ In pursuance of order
dated 16.6.97 passed
in o.A. 128/97 notices
to respondent No.4
and 5 have been
duly served and
copy of the same
at pages 106 and
107.

Yours

The Court in person,
S. Ali, learned Sr. C.G.S.C., ~~is present~~ for
No.1, Mr A. Chakraborty, learned Advocate General
Tripura together with Mr A. Roy, learned counsel
for respondent No.2 are present. Mr A. Roy with
Mr P.K. Pal for respondent No.5 are present. Written
statement have been submitted by respondent No.2,
State of Tripura and by Mr V. Thulasidas, Chief Secretary
to the Government of Tripura, respondent No.5. Rejoinder
to these written statements have been submitted by
the applicant. Copy of the rejoinder has been served
on respondent Nos.1, 2 and 5.

Mr Ali seeks four weeks time to file written
statement by respondent No.1. Prayer of Mr Ali is
allowed. However, it is made clear that in view of
the urgency of the matter the written statement,
if any, shall be submitted by respondent No.1 before
the next date of hearing with copy to all the other
parties. In the event of failure of respondent No.1
to file the written statement hearing will proceed
without their written statement.

As agreed by the parties present the date
of final hearing is fixed on 23.7.97.

The learned Advocate General, Tripura,
submits that the interim order may be vacated which
the applicant opposes. After hearing both sides I consider
that the interim order shall continue till ~~the next~~
date of hearing, i.e. 23.7.97. The respondents
at liberty to agitate this issue again on that date.

On the next date of hearing respondent
No.2 shall produce all the records mentioned by the
applicant in paragraph 52 of the original application.

26.6.97

By Order:

M.K.M.

nkm

Copy of order
dated 25.6.97
is issued to the
Learned Counsel
Advocate on Applicant.

Me