

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A No. 128 /97

Shri S.N. Commem

APPLICANT(S)

VERSUS

Union of India & Ors

RESPONDANT(S)

In person

ADVOCATE FOR APPLICANT(S)

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

ADVOCATE FOR RESPONDANT(S)

Govt. Adv. Tripura

Office Note

Date

Court Orders

Mentioned in  
Court.

16-6-97

Mr. Sukumar N. Commem, 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 transfer 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. Therefore, as agreed by all concerned present, the final hearing will be

contd/-

This application is in  
form and within time  
C. E. of Rs. 50/-  
deposited vide

IPO No. 0676955

Dated 13-6-97.

16/6/97

By Registrar

16/6

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 has sent by  
Registered post to  
R-3.

16/6

17.6.97

Notice has been  
recd on 16.6.97  
for Respondent No. 3  
and issue to ~~the~~  
the respondent by  
registered post vide  
Despatched No. 2177  
dt. 19.6.97.

lm

16/6

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, as Respondent No. 5. Hearing is listed on 25-6-97 has already ordered.

Member 16/6/97

24-6-97

Written statement  
filed on behalf of  
The respondent  
No - 2 & 5, at page  
58 to 97.

lm

Member

23.7.97

Mr

n, the

applicant i. nt. Learned  
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 Dommen has submitted in  
writing that the respondent No.2,  
State of Tripura, has vide (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.

Member

23/7

nkm

23/7

77

NO Written Statement  
has been filed on  
Respondent NOS 1, 3  
and 4.

2) Memo of appearance  
not yet filed for respon-  
dent NOS 1, 3 and 4.

3) Vakalatnama filed  
on R. 2 and 5.

MS.  
12/7.

24.7.97

Copy of the order  
has been sent to the  
R/o for issuing the  
order to the parties along  
with the copy of the order

Issued vide 3 nos  
2482 to 2490 on 24.7.97.

24.6

23.6.97

The ~~ant~~ 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 had 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.

Copy of the order may be furnished to all parties including the applicant.

By Order:

*[Signature]*

nkm

26.6.97

Copy of order  
dated 23.6.97  
issued to the  
learned Advocate  
as Applicant.

*[Signature]*