

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

218

OF 199 8

Applicant(s) Sri Mominuddin Chandra Deb

Respondent(s) Union of India & others

Advocate for Applicant(s) Mr. M. Deb

Mr. S. K. Deb

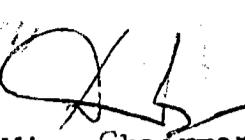
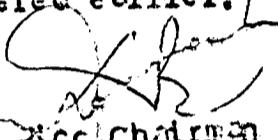
Advocate for Respondent(s)

Mr. B.C. Pathak

Adv. C. C. Sircar

| Notes of the Registry | Date | Order of the Tribunal |
|--|----------|--|
| 70400 7.9.98 | 11.9.98 | <p>Application is admitted. Issue notice on the respondents by registered post immediately.</p> <p>List on 26.10.1998 for written statement and further orders.</p> <p>Records shall be produced on the next date.</p> <p>Member</p> <p><i>[Signature]</i> Vice-Chairman</p> |
| 4) Prerequisite copies have been filed. 2) The case is mentioned on 26-10-98 for hearing on other date. | 26-10-98 | <p>Mr. M. Chanda learned counsel prays for adjournment on behalf of Mr. S. K. Deb, Advocate, Case is adjourned to 9-11-98 for production of records. List on 9-11-98 for orders.</p> <p>Member</p> <p><i>[Signature]</i> Vice-Chairman</p> |

| Notes of the Registry | Date | Order of the T |
|--|-------------|--|
| Extra copy of Services deposit Rs. 30/- vide No. 389 dtg 11.9.98 in R-6-11. T/S 14/9/98 | 9.11.98 | No written statement has been filed. Mr S.K.Deb, learned counsel appearing on behalf of the applicant submits that the applicant is retiring in the month of December, 1998. Therefore early date of hearing may be fixed. Mr G.Sarma, learned Addl.C.G.S.C has no objection and prays for two weeks time to file written statement. Two weeks time allowed for filing of written statement. Written statement shall be filed within 24.11.1998 with copy to the opposite party. Records shall also be produced on 24.11.1998, failing which consequence will follow as per law. Thereafter the case is listed for hearing on 14.12.1998 as first item. |
| ① Service report are still awaited. ② No. WLS has been filed. T/S 23.10 | | |
| Service & Notice receipt issued to the respondents by Regd A/c post. vide despatch No. 2774 to 2784 dt. 18-9-98 | | |
| <u>3.11.98</u> Service & Notice duly served on respondent No. 5, 6, 3, 7. 9. B/S | pg | Mr G.Sarma, learned Addl.C.G.S.C for the respondents prays for further time for production of records. Two weeks time allowed for production of records. He also submits that all the connected records are with the State Government, i.e. with the State of Tripura. If that is so the State of Tripura shall produce the same. List on 8.12.98 for production of records. |
| <u>6.11</u> 1) Notice duly served on R Nos 5 & 8, the other are not warranted. 2) Notice not been served on 2.12.98 by Mr. A. K. Choudhury, Addl.C.G.S.C as on behalf of respondent B/S No. 1. | pg 25/11 | By Member Vice-Chairman |

| Notes of the Registry | Date | Order of the Tribunal |
|---|---|--|
| 7.12.98 Police duty Served on R. Nos 3, 5, 7, 8, and 9 the others are still awaited. Written statement has not been filed. 2/98: | 8-12-98 1m 15.12.98 9/12/98 | Let this case be listed in the Circuit Bench at Agartala. Date will be notified lately.  Vice-Chairman Member |
| 7.12.98 Written statement furnished by the parties Opposed No. 4 at Page - 142. | 15.12.98 (Agartala) | Present : Hon'ble Justice Sri B.N. Baruah, Vice-Chairman and Hon'ble Sri G. L. Sanglyine, Administrative Member. Let this case be listed for hearing on 17.12.98. Government Advocate, Tripura shall produce the records as ordered earlier.  Vice-Chairman Member |
| on The case is ready for hearing. M/s 9/12/98 | 17.12.98 Post. Service reports have not received from the respondents 2, 4, 6, 10 and 11. However, Sarma, learned Addl. C. appearing on behalf of 1, Mr. D.P. Kataki, learned Govt. of Tripura, is appearing behalf of respondent No. 2. Respon- dent No. 4 has entered a no-objection appearance by writing a letter to Registrar, C.A.T., Guwahati dated 25.11.98. As the notices were sent to the respondents by registered it is presumed that service is in respect of respondent nos Mr. S. Deb, learned counse- ing on behalf of the applica- rant some length has made for adjournment of the case as pering to him certain amendment. Original application is ne- cessary. | Notices were sent by registered Post. Service reports have not received from the respondents 2, 4, 6, 10 and 11. However, Sarma, learned Addl. C. appearing on behalf of 1, Mr. D.P. Kataki, learned Govt. of Tripura, is appearing behalf of respondent No. 2. Respon- dent No. 4 has entered a no-objection appearance by writing a letter to Registrar, C.A.T., Guwahati dated 25.11.98. As the notices were sent to the respondents by registered it is presumed that service is in respect of respondent nos Mr. S. Deb, learned counse- ing on behalf of the applica- rant some length has made for adjournment of the case as pering to him certain amendment. Original application is ne- cessary. |
| | | Concl. |

| Notes of the Registry | Date | Order of the Tribunal |
|---|---------------------------|---|
| <u>28-12-98</u> Writ Statement by in L.W. or L.W. No 4. other respondents has not been filed. | | <p>On the prayer of Mr. M. Chanda, learned counsel for the applicant the case is adjourned till 8.1.1999 for filing of amendment application as the same could not be filed today due to the personal difficulty of the senior counsel. No further adjournment shall be granted.</p> <p>62</p> <p>Vice-Chairman</p> |
| <u>12/98</u> No amendment application filed | 29.12.98 | <p>On the prayer of Mr. M. Chanda, learned counsel for the applicant the case is adjourned till 8.1.1999 for filing of amendment application as the same could not be filed today due to the personal difficulty of the senior counsel. No further adjournment shall be granted.</p> <p>62</p> <p>Member</p> <p>Vice-Chairman</p> |
| <u>2, 3, 7, 8, 9</u> W.C. New | nkm 30/12/98 8.1.99 | <p>List on 9.2.99 for order alongwith M.P.4/99.</p> <p>62</p> <p>Member</p> <p>Vice-Chairman</p> |
| <u>1.1.99</u> Petition | pg 9.2.99 | <p>List on 23.2.99 for order alongwith M.P.4/99.</p> <p>62</p> <p>Member</p> <p>Vice-Chairman</p> |

| Notes of the Registry | Date | Order of the Tribunal |
|--|---------|--|
| | 24-3-99 | Let this case be listed alongwith M.P.No.4/99 on 1-4-99. Member |
| | 1m | Vice-Chairman |
| | 25/3/99 | |
| No. Amendment Petition has been filed. | 1.4.99 | Let this case be listed on 22.4.99 alongwith M.P.No.4/99. Member |
| 11.7.99 | nkm | Vice-Chairman |
| | 22.4.99 | List on 11.5.99 for order alongwith Exx.M.P.4/99. Member |
| | pg | Vice-Chairman |
| | 23/4/99 | |
| 11.5.99 | | In view of the order passed in Misc. Petition No.4/99 the prayer for amendment is allowed. The applicant shall file a consolidated application within ten days from today. Fix it on 31.5.99. Member |
| 11.5.99 | nkm | Vice-Chairman |
| | 31-5-99 | Two weeks time is allotted on the prayer of Mr. B. Pathak, learned Addl. C.G.S.C. Consolidated petition has been filed. List on 16-6-99 for orders. Member |
| 22-6-99 Requisite 10 copies Received. | 1m | Vice-Chairman |

| Notes of the Registry | Date | Order of the Tribunal |
|---|-------------------------|--|
| <u>16.6.99</u> Plaint is not admissible. It is (contd) for orders on 6.7.99. | 6.7.99 | Written statement has not been filed Two weeks time allowed for filing of written statement. List on 23.7.99 for written statement and further orders. |
| <u>24.6.99</u> Notice (consolidated) application) Prepared and sent to D. Section for issuing of the sum to the respondents through Legal Post with A/D. DNS 2140-2948 T.O. dt 30-6-99 5-7-99 Since Repondents are still awaiting order | pg 23.7.99 |  Member List on 10.8.99 for written statement and further orders on the prayer of Mr A. Deb Roy, learned Sr.C.G.S.C. |
| <u>22-7-99</u> 1) No Cstamtd - no sum for Ammendments Pkt. 2) Since Repondents are still awaiting | 10-8-99 |  Member Mr. A. Deb Roy, Sr.C.G.S.C once again prays for adjournment for filing of written statement. In spite of several adjournment. We are not inclined to grant any further extension of time. The learned counsel Government of Tribunal also prays for adjournment. The prayer is rejected. The case will proceed without written statement. List on 8-11-99 for hearing. |
| <u>27-7-99</u> 1) Notice received back for R. No 2. as postal remittance "Rejected". Court not despatched. | 1m REJECTED C.M.S |  Member There is no reference of a sum 7.11.99 This is in reply to your letter dated 1.11.99 Mr. ... |

(7)

| Note of the Registry | Date | Order of the Tribunal |
|---|-----------|---|
| | 4-1-2000 | On the prayer of Mr. M. Chanda learned counsel for the applicant case is adjourned to 31-1-2000 for hearing. b3 Member lm |
| 23-2-00 W/stmt. filed we-- 6-2 | 31.1.2000 | On the prayer of Mr. M. Chanda, learned counsel for the applicant the case is adjourned to 24.2.2000. b3 Member Vice-Chairman |
| 24-2-00 No. W/ statement has been filed 5-4-2000 | 24.2.00 | b3 None appears for the parties. List on 6.4.00 for hearing. Member Vice-Chairman |
| | 6.4.00 | 6 No Division Bench is available today. List for hearing on 15.5.00. b3 Member |
| | 15-5-00 | There is no 23.7.00 to 10.7.00 10.7.00 Present: Hon'ble Mr S. Biswas, Administrative Member Learned counsel Mr M. Chanda for the applicant mentions that if it is inconvenient this case may be posted on 21.8.00 for hearing at Guwahati. Accordingly the case is posted for hearing on 21.8.00 at Guwahati. b3 Member (A) |
| | 21-8-00 | There is no 15-5-00 10.7.00 18.9.00 b3 Member (A) |

| Notes of the Registry | Date | Order of the Tribunal |
|--|----------------------------------|---|
| | 18.9.2000 | Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. On the prayer of Mr. M. Chanda, learned counsel for the applicant, the case is adjourned till 6.11.2000. |
| 16. Written Statement is been filed. | mk | Vice-Chairman |
| | 6-11 | No D.B. Adjourned to 4/12/2000 |
| | 4-12 | No D.B. Adjourned to 18/12/2000. Mr. <u>Usha</u> <u>4/12</u> |
| 18.12.01 <u>Ex- 15.12.2000</u> | 18.12.0 | No representation. List on 5.2.2001 for hearing. |
| 20.3.01 <u>1. The Court- the case is fixed for hearing on 24.4.01.</u> <u>28.3.01.</u> | trd | Member Vice-Chairman |
| 18.4.2001 <u>Opposition of this prayer for adjournment is filed. Vice of the case is placed before the court for order.</u> | 28.3.01 1M 24.4.01 | As agreed by the learned counsel for the parties case is fixed for hearing on 24.4.01. <u>ICU</u> <u>Usha</u> <u>24.4.01</u> Member Vice-Chairman The date is pending since 1999. Whenever the matter came up for hearing prayer was made for adjournment. The same prayer was made for adjournment. We are not happy. The litigation is unnecessarily prolonged. So that in this as a last chance the case is adjourned to 15.5.01 for hearing. |
| | | <u>ICU</u> <u>Usha</u> <u>15.5.01</u> Member Vice-Chairman |

| Notes of the Registry | Date | Order of the Tribunal |
|---|---------|--|
| | 15.5.01 | <p>We have heard Mr B.K.Sharma, learned senior counsel assisted by Mr M.Chanda, learned counsel for the applicant, Mr B.C.Pathak, learned Addl.C.G.S.C on behalf of respondents No.1 and 1A and Mr M.R. Pathak, learned counsel appearing on behalf of Mr B.P.Kataki, learned Sr.Government Advocate, Tripura representing respondents No.2 and 2B at length.</p> <p>From the materials available before us it appears that the main relief sought for in this application is inextricably connected with the issues raised in the Writ Petition by the applicant in Civil Rule No.86/96 which is yet to be disposed of by the Agartala Bench of Gauhati High Court. Considering all the aspects of the matter we are of the view that it will be premature for the Tribunal to adjudicate upon the issues raised without adjudication of the issues raised before the High Court.</p> <p>The application stands disposed of keeping it open to the applicant to move the Tribunal if circumstances so demands.</p> <p>It is also needless to say that it would always be open to the applicant to move the concerned authority by way of representation and ventilate his grievances as per law.</p> <p>There shall however, be no order as to costs.</p> |
| <p><u>16.5.2001</u></p> <p>Copy of the order has been sent to the Ofsec. for the info. The same to L/Adv. for the Respondents</p> <p>BS</p> | | <p><i>K. K. Sharma</i> Member</p> <p><i>L</i> Vice-Chairman</p> |

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |