

CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH: GUWAHATI, 5

ORIGINAL APPLICATION NO. 105/94 MISC. APPL. NO. (IN O.A.)
REVIEW APPLICATION NO. (IN O.A. NO.) CONT. APPL. (O.A.)

Smt. H. Dangiari APPLICANT(S)
VERSUS
NOTED
Mr. A. Dasgupta RESPONDENT(S)
APPLICANT(S) ADVOCATE
Mr. G. Sarma, Addl. C.G.S.C. RESPONDENT(S) ADVOCATE

OFFICE NOTE

DATE

COURT'S ORDER

30.5.94

Heard learned counsel Mr A.

Dasgupta on behalf of the applicant, Smt H. Dangiari. Perused the statement of grievances and reliefs sought for in this application. Learned Addl. C.G.S.C. Mr G. Sarma prays for fifteen days time to get instructions from the respondents. Time allowed as prayed for.

List on 17.6.94 for consideration of admission and further orders.

Heard counsel for the parties on the interim relief prayer. The operation of the order No.304/142/Civ dated 3.5.1999 (Annexure-D) issued by Shri V.K. Puri, Lt. Col. for Offg CO, 180 Sainik Aspatal, 180 Military Hospital, C/O 99 APO, with directions on the applicant to vacate Quarter No.12/3 is stayed till disposal of consideration of admission.

Inform all concerned.

Vice-Chairman

Member

By Order:

nkml

Office to inform concerned respondents telegraphically at the cost of the applicant.
Copy of the order may be furnished to the counsel for the parties.

Order d. 30.5.94
telegraphically & issued to counsel of the parties.
V. no 2358-64 dt. 3.6.83

This application is in form No. 1/1994.
C.F. No. 862/826
Dated 27.5.94

By Registrar (4)

By Registrar (4)

OFFICE NOTE

DATE

COURT'S ORDER

Operative portion of the
order dtd. 30.5.94
sent to the Rspdt.
no 2 and copy of
the same sent to
Rspdt. nos 3 & 4
vide no. 2268-2270
dtd. 31.5.94

17.6.94

Heard learned counsel Mr A. Dasgupta on behalf of the applicant. Perused the statement of grievances and reliefs sought for in this application. The grievance is against the penalty of dismissal consequent to a disciplinary proceeding. Learned Addl. C.G.S.C. Mr G. Sarma submits that the applicant has not exhausted available remedy by appeal before the competent authority. We are convinced that ~~the~~ appeal lies against the penalty order. Therefore, we do not propose to entertain this application at this stage. The interim relief order passed on 30.5.1994 is also vacated.

The applicant may file appeal before the appellate authority within 30(thirty) days from today, the 17.6.1994. In the event of filing such appeal, the competent authority shall treat such appeal to be within limitation and dispose of the same in accordance with rules.

Mr Dasgupta prays for a direction on the respondents not to evict the applicant during the appeal period/pendency of appeal. We leave it with the appellate authority to consider this prayer and pass necessary orders after hearing her.

Shree
Vice-Chairman

Go
Member

Copy of the order may be furnished to the counsel for the parties.

By Order:

nkm

17/6/94
Order d. 17.6.94 issued
v. no. 2268-90 dt. 29/6/94

for
22/6