

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI...5

✓ ORIGINAL APPLICATION NO. 17894

MISC PETITION NO. (IN O.A.)

REVIEW APPLI. NO. (IN O.A.)

CONT. PETITION NO. (IN O.A.)

Ch. J. Singh APPLICANT(S)
VRS.

..... Respondent(s)

..... Mr. G.B. Sharma ADVOCATE(S)
Sharma FOR APPL.

..... Mr. S. Ali

..... Sr. C.G.S.C ADVOCATE(S)
FOR RESPONENTS.

OFFICE NOTE

DATE

COURT'S ORDER

This application is in
form and within time.

C. F. of Rs. 50/-
deposited vide

IPO/RD No. 527958

Dated ... 3-9-1994

7.9.94

Mr G.B. Sharma for the applicant. Mr S. Ali, Sr.C.G.S.C for the respondents.

Since the order of removal of the applicant from service became effective on 31.12.93 there cannot arise any question of staying that order. If that order is eventually set aside either by the appellate authority or by this Tribunal the question of reinstatement will have to be considered at that stage. We cannot direct reinstatement at this admission stage and such a relief can only be considered if the petition is eventually allowed. Since we are not inclined to grant interim stay and as the applicant has already filed an appeal before the appellate authority on 15.2.94 which is pending, we think that no useful purpose will be served by admitting this application at this stage. We do not express any opinion as to the merits of the case. We would however be inclined to expedite hearing of the appeal without prejudice to the right of the applicant to again approach the Tribunal if necessary.

Mr S. Ali appears for the respondents and receives notice and submits that the application may be disposed of in terms of

contd...

7.9.94 the above directions. Learned counsel for the applicant states that the application may be disposed of in terms of the proposed directions without prejudice to the right of the applicant to approach the Tribunal again.

Hence the application is taken up for orders.

Order :

We direct the appellate authority to dispose of the appeal expeditiously and as far as practicable within a period of three months from the date of receipt of this order. We grant liberty to the applicant to approach this Tribunal after the appeal is disposed of if he happens to be aggrieved by the decision on appeal. All the rights and contentions of the applicant raised in this application for challenging the impugned order are left open to be urged therein. We make it clear that it will be open to the appellate authority to consider the prayer for interim relief and pass suitable orders thereon.

Application disposed of in terms of above order.


Vice-Chairman


Member

