

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/01669/2014

Date of order: 16.11.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

KRISHNA PADA GARAI

VS.

UNION OF INDIA & ORS. (Posts)

For the Applicant : Mr. K. Sarkar, Counsel
For the Respondents : Mr. L.K. Chatterjee, Counsel
Mr. U.P. Bhattacharyya, Counsel

ORDER (Oral)

Per Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard the Ld. Counsel for the applicant and Ld. Counsel for the respondents.

2. It is a peculiar case. The engagement of the applicant as GDSBPM was made and thereafter it was cancelled on 14.2.2012. Aggrieved by that order, he preferred an O.A. bearing No. 292 of 2012 which was allowed by this Tribunal with the following direction:-

"9. As such, the O.A. is allowed. The impugned order dated 14.2.2012 is quashed. The applicant be reinstated, however, he will not be entitled to any back wages. In case there is any procedural irregularity in selection the respondents are at liberty to pass a fresh order after following the due process of law. No order as to cost."

3. Aggrieved by the order passed by the Tribunal, the applicant himself challenged the order before the Hon'ble High Court in WPCT No. 414 of 2013 but the Hon'ble High Court dismissed the said Writ Petition. Thereafter the applicant resumed his duties in pursuance of the order passed by this Tribunal. Thereafter on 8.12.2014 a show-cause notice was



issued to the applicant, which was duly served upon the applicant. He filed a reply on 15.12.2014 to that notice which has been annexed as Annexure A-9 to the application. Instead of waiting for the decision of the authorities the applicant preferred this O.A. challenging the issue of notice dated 8.12.2014 after submitting the reply.

4. Reply and rejoinder affidavits have already been filed in the matter.

5. It is a fact that after filing this petition no final order has been passed in pursuance of the show-cause notice.

6. In view of the above, we are of the view that this Original Application is not maintainable as the same has been filed challenging the show-cause notice and that too after filing of the reply against the same.

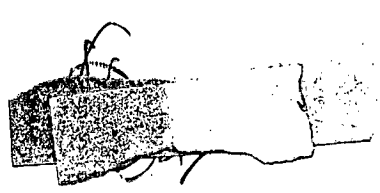
7. We further observe that we should not make any comments on the merit of the case as we are of the view that the authorities should pass an order in pursuance of this Bench's earlier order passed in O.A. No. 292 of 2012, which was subsequently affirmed by the Hon'ble High Court.

8. Hence, we are dismissing this Original Application with a further direction upon the respondents to comply the order passed in the earlier Original Petition within a period of one month from the date of passing of this order.

9. With this observation, this Original Application is finally disposed of.

There shall be no order as to cost.


(Jaya Das Gupta)
Administrative Member


(Vishnu Chandra Gupta)
Judicial Member