

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

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No. M.A. 334 of 2013  
O.A. 803 of 2013

Date of order : 29.3.2016

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

PRATAP KR. MAHAPATRA

VS.

UNION OF INDIA & ORS. (CLW)

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : None

O R D E R (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard the Ld. Counsel for the applicant. Perusal of record reveals that the present O.A. has been filed for the following reliefs:-

- "a) Fourth panel dated 30.6.2010 cannot be tenable in the eye of law as marks towards record of service was allotted by following Railway Board Circular dated 22.2.2006 and also not following 219(g) of IREM.
- b) An order do issue directing the respondents to re-cast the panel taking 15 marks towards the record of service."

2. An application has been moved to condone the delay in preferring this O.A. It has been demonstrated that in the Hon'ble High Court a Writ Petition No. 361 of 2012 preferred against the order dated 10.10.2011 dismissing the two O.A.s namely, O.A. No. 372 of 2010 and O.A. No. 1956 of 2010. Liberty has been granted to applicant while admitting the Writ Petition that pendency of the Writ Petition shall not prevent the petitioner from questioning the fourth panel according to law. The order passed on 10.10.2011 is on record. Para 1 of this order reads as under:-

and fact are involved therein. The applicant of O.A. No. 372 seeks quashing of the panel notified vide letter dated 6.3.2010 pursuant to orders of the Tribunal in O.A. No. 91 / 2008. The applicant of O.A. 1956/2010 seeks quashing of the order dated 30.6.2010 issued in supersession of earlier order dated 10.3.2010."

3. There appears to be a similarity of relief in the earlier O.A.s filed and the present O.A. Ld. Counsel for the applicant pointed out that on 30.6.2010 two different panels were prepared. The first panel, which was subject matter of O.A. earlier dismissed, is not the subject matter of the present O.A.

4. In view of the above, unless it is clarified by Ld. Counsel for the petitioner that order dated 30.6.2010 to prepare the panel is different which was the subject matter of earlier O.A.s, the application for condonation of delay cannot be considered adequately.

5. The applicant wants time in this regard.

6. List this matter on 6.5.2016.

(Jaya Das Gupta)  
MEMBER(A)

(Vishnu Chandra Gupta)  
MEMBER(J)

SP