

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. MA 350/00165/2016
OA 350/00607/2016

Date of order : 26.4.2016

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Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

BIRENDRA SINGH

VS

UNION OF INDIA & ORS.

For the applicants : Mr.N.Roy, counsel

For the respondents : Mr.S.Banerjee, counsel

O R D E R (ORAL)

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. Heard ld. Counsels for the parties and perused the materials on record.

3. The applicant has preferred a Contempt Application No. 115/13 alleging non-compliance of the direction passed by this Tribunal in OA 1103/11. During pendency of the Contempt Applicant the applicant has challenged the speaking order issued pursuant to such direction in a fresh OA seeking quashing of the said speaking order dated 22.1.2014. The applicant is aggrieved in regard to the findings of the medical expert who examined his eye after the order was passed by the Tribunal and certified disability as 40% with which he is able to earn his livelihood.

4. In my considered opinion since order is passed by team of experts and Tribunal does not have the mechanism or power to declare the certificate as erroneous, the applicant should approach the appropriate authorities on appeal if it is permissible, for which liberty is granted as sought for to withdraw the present OA.

5. The OA is accordingly disposed of as withdrawn. No order is passed as to costs.

(BIDISHA BANERJEE)
MEMBER (J)

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