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Item No.32

30.10.2007

MA 1645/2007

MA 1646/2007

OA 1621/2003

Present: Sh. M.K. Bhardwaj, counsel for applicant
Sh. V.K. Rao, counsel for respondents

Applicant has filed MA for seeking execution of orders dated 27.6.2003. Counsel for respondents submitted that applicant has already been given the dues pursuant to the directions given by this Tribunal, which has been accepted and the present MA is barred by limitation as it has been filed after more than three years whereas counsel for applicant, on the other hand, submitted that in the OA direction was given to respondents to decide applicant's case in the light of the decision given by the Tribunal in OA 480/1998 and to pass a speaking order thereon. In the meantime, judgment given in OA 480/1998 was challenged by the respondents in the Hon'ble High Court, which was decided only on 05.5.2006 (page-8) whereby this Tribunal's order was upheld in OA 480/1998. Thereafter he has been giving representations dated 23.6.2006 and 20.9.2006 but till date no orders have been passed by the respondents.

In view of the fact that the judgment given in OA 480/1998 was challenged by the respondents in the Hon'ble High Court, which was finally decided on 05.5.2006 and since order given in present OA was to decide the case of applicant in the light of decision of this Tribunal in OA 480/1998, it cannot be stated that this MA is barred by limitation having being filed after more than three years because all the while judgment given in OA 480/1998 had not attained finality. After the matter was finally decided by the Hon'ble High Court of Delhi on 05.5.2006, applicant has been giving representations to the authorities,

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therefore, they were expected to pass a reasoned order in case they felt that all the payments have already been given to the applicant. Not having done so, counsel for respondents submitted that they would now pass a speaking order on the request made by the applicant within a period of four weeks from the date of receipt of a copy of this order.

In view of the statement made by counsel for respondents, present MAs stand disposed of.



(Mrs. Meera Chhibber)
Member (J)

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