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30/9/2003

MA-1966/03 W

OA-1493/03.

Present: Applicant in person.

Sh. N.K. Aggarwal, Counsel for respondents.

MA 1966/2003 has been filed by the original respondents in OA No. 1493/2003 seeking extension of time and stay of orders passed on 12-09-2003.

It has been pointed out by the original respondents/petitioners that this Tribunal vide its order dt. 12-09-2003 directed to take the applicant Sh. B.K. Mishra on duty if already relieved. It has also been pointed out by the petitioners that the order of this Tribunal dt. 12/9/03 is under process for compliance/challenge, therefore the extension of time is prayed for.

In the course of arguments, learned Counsel for the petitioners pointed out that the applicant Sh. B.K. Mishra has assumed charge on 19-9-2003 with effect from 12-09-2003.

In our opinion, the directions of this Tribunal in OA No. 1493/2003 dated 12-9-2003 were to be complied by the respondents and further to issue a formal order taking the original applicant Sh. B.K. Mishra on duty in compliance to the order of this Tribunal. No such order having been passed we find that the charge assumption by Sh. B.K. Mishra was ^{prima facie} not in order. However, without going into the merits of these contentions and keeping in view the request of the respondents, two weeks' time is allowed, as prayed for, for execution of the order of this Tribunal passed on 12-9-2003. MA is accordingly disposed of.

A copy of this order be given DASTI to the ld. Counsel for the respondents.

(R.K. UPADHYAYA)
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(SHANKER KASHI)
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