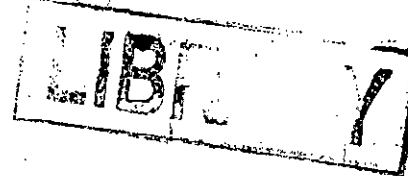


CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. M.A. 828 of 2018
(O.A. 1618 of 2016)

Date of order: 22.11.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

UNION OF INDIA & ORS. (ZSI)

VS.

JOY KRISHNA DE



For the Applicants : Mr. P. Mukherjee, Counsel

For the Respondents : Mr. P.C. Das, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

O.A. No. 1618 of 2018 (*Joy Krishna De v. Union of India & ors.*)

had been disposed of on 21.5.2018 by this Tribunal, which had directed as follows:-

"5. The above circumstances, we are of the view that let the department to decide the matter in the light of their order dated 25.2.2014 towards implementation of their own order dated 25.2.2014 under No. 24/2014.

6. Accordingly we direct the respondent authorities, more particularly respondent No. 1 to implement their own order dated 25.2.2014 passed under the Office Order No. 24/2014 within a period of three months from the date of receipt of a copy of this order with due opportunity to the applicant of being heard."

2. The instant M.A. bearing No. 828 of 2018 has been filed by the respondent authorities for recalling the said orders of the Tribunal on the following grounds:-

(a) That, the respondent authorities at Kolkata were unaware of the reason as to why the order dated 25.2.2014 could not be implemented till date. Accordingly, Ld. Counsel for the respondents

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could not satisfy the Tribunal as to why the orders were not implemented by the respondent authorities.

(b) The respondent authorities have come to learn that the Hon'ble Apex Court, while adjudicating similar matters, have specifically stayed or suspended implementation of the Office Order No. 24/2014 dated 25.2.2014. Consequently, the authorities are restrained from implementing the order in any manner.

3. It transpires from the orders of the Tribunal dated 21.5.2018 that the Tribunal had not entered into the merits of the matter but had accorded the respondent authorities liberty to decide the applicant's matter in the light of the orders dated 25.2.2014 after providing an opportunity to the applicant to be heard. Consequently, we find the M.A. praying for recalling of the Tribunal's order is misconceived as the Tribunal had not issued any mandatory order in the first place.

4. Accordingly, it would suffice if the respondent authorities would accord a hearing to the applicant and, thereafter decide as per law, and, in abidance to Hon'ble Apex Court's orders, on the scope of implementation of the orders dated 25.2.2014.

5. With these directions, the M.A. is disposed of. There will be no orders on costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP