

Central Adminisrative Tribunal
Principal Bench

R.A.No.155/2002 in
M.A.No.1418/2002
O.A.No.656/2002

Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 4th day of March, 2003

Sh. Vijay Kumar & Others ... Applicants
(By Advocate: Sh. Atul Kumar)

Vs.

Union of India & Others ... Respondents
(By Advocate: Sh. M.M.Sudan)

O R D E R(Oral)

By Shri Shanker Raju, M(J):

Through this RA, order passed in OA 656/2002 on 7.3.2002 is assailed on the ground that as per Section 19(3) of the Administrative Tribunals Act, 1985, OA is to be decided in all fairness, in consonance with the principles of natural justice, respondents should be put to notice. Whereas in the instant case, at the admission stage, without issuing notices to the respondents, the matter stood concluded finally by directing the respondents to complete the process of regularisation initiated by them in May, 2001. In this conspectus, Shri M.M.Sudan, learned counsel appearing in the RA on behalf of the respondents in OA has stated that due to ban the process could not be undertaken.

2. On the other hand, learned counsel for applicant in OA stated that aforesaid ban can not be an impediment for regularisation against Group "D" posts as held in OA 1272/2002 in Om Prakash v. Union of India and OA No.280/2002 in Shri Chamman Singh v. Union of India & Others.

3. Having regard to the provisions of Section 19(3) *ibid*, after hearing the parties, and the fact that not only on technical ground but also in the interest of justice, a review can be undertaken and can be allowed, and more particularly, when the respondents have been deprived of an opportunity to rebut the contentions of the applicant in absence of any notice issued to them, this Tribunal's order dated 7.3.2002 passed in this OA, is liable to be recalled. In this regard, I am fortified by the Apex Court's decisions in S.Rang Rajan v. State of Karnataka, JT 1993(5) SC 27 and also in Surjit Singh v. Union of India & Others, 1997(10 SC 592).

4. In view of the above, RA is accordingly allowed. The order passed by this Tribunal on 7.3.2002 in OA 656/2002 is recalled and OA is restored to its original position.

O.A.No.656/2002:

Issue notice on OA to respondents, directing them to file reply within two weeks. List on 27.3.2003.

S. Raju
(Shanker Raju)
Member(J)

/rao/

*Notices to be sent in due course
Listed in the 26th March
Pl. see slip*