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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.124/2002 IN
O.A.NO.2168/2001

Friday, this the 5th day of July, 2002

Hon'ble Shri M.P.Singh, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Shri A.K.Sharma ...Applicant

(By Advocate: Shri B.B.Raval)

Versus

Comptroller and Auditor
General of India and Another ...Respondents.

(By Advocate: Shri M.K.Gupta)

Order (oral)

By Shri Shanker Raju, Member(J)

Heard Shri B.B.Raval, learned counsel for review
applicant and Shri M.K.Gupta, learned counsel for the
respondents.

2. Applicant impugns court's order dated 30.4.2002
in this review wherein the interim order earlier passed
by this court restraining the respondents not to proceed
in the disciplinary proceedings pending criminal
prosecution was vacated and the case was listed for PFH
on 14.5.2002.

3. It is stated that on 22.1.2002, as Bench was
informed that the matter was heard in part on different
dates, MA 188/2002 was disposed of restraining the
respondents' proceedings further into the departmental
proceedings. By an order dated 15.4.2002, interim order
was continued till the disposal of the case.

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4. On 13.4.2002 as applicant's counsel was busy in High Court despite two pass overs and in the presence of the applicant in person, interim order was vacated.

5. Shri Raval in this review application stated that there exist an error on the face of record inasmuch as on 15.4.2002 interim order was continued till the disposal of the case. But the Bench on 30.4.2002 has vacated its order which was passed by another coordinate bench. It is also stated that the case was not finally heard on that date.

6. On the other hand, Shri M.K.Gupta stated that the decision to vacate the interim order was taken in presence of the applicant and the counsel had not turned up despite giving any opportunity. It is stated that as per Rule 15 of the CAT(Procedure) Rules, 1987, the interim order was vacated, and the matter was listed for PFH on 14.5.2002 but the same is not yet figured in the list for PFH.

7. We have considered the rival contention and perused the material on record.

8. In our considered view, once a coordinate bench on 15.4.2002 extended the interim order till the final disposal of the case, and the matter was not heard finally order dated 30.4.2002 should no longer survive. In our view and in the interest of natural justice, the order dated 30.4.2002 is recalled as there exists an error apparent on the face of record.

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9. List the OA for final hearing on 16.7.2002 Till then, the respondents are restrained from proceedings further in the departmental proceedings. It is, however, made clear that on the next date of hearing, if the parties do not appear, the matter would be decided in accordance with the provisions of CAT (Procedure) Rules, 1987.

10. RA is accordingly disposed of. No costs.

S. Raju

(Shanker Raju)
Member(J)

/kd/

M.P.Singh

(M.P.Singh)
Member(A)