

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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R.A.No.237 of 1994
in
O.A.No.585 of 1994

New Delhi, this the 29th day of July 1994.

Hon'ble Mr Justice S.K.Dhaon, Actg.Chairman
Hon'ble Mr B.N.Dhoundiyal, Member(A)

Shri R.C.Gupta,
S/O late Shri Shrikrishna Chandra Gupta
Statistical Branch
Northern Railway Hqs. R/O 10/95, A Vishnu Gali
Vishwash Nagar, Shahdara, New Delhi.
(through Mr K.N.R Pillay, Advocate)

... .. Review
Applicant.
(in the O.A)

v.

Union of India through the
General Manager
Northern Railway
Baroda House, New Delhi.
(through Mr R.L.Dhawan, Adv)

... ..; Respondent.
... Review applicant.

ORDER (by circulation)

(delivered by Hon'ble Mr B.N.Dhoundiyal,
Member(A))

This Review Application has been filed
by the official respondents in OA No.585 of 1994
decided on 10.6.1994.

2. It is pertinent to note here that inspite
of service, the review petitioners failed to put
in appearance on 24.3.1994, 29.4.1994 and 6.5.1994.
On 6.5.1994, the following order was passed:

" Admit. Respondents are duly served.
No one has cared to put in appearance
on behalf of the respondents. Therefore,
the questions of filing counter-affidavit
does not arise."

3. In the judgment dated 10.6.1994, this Tribunal
observed that in the absence of counter affidavit, we
had no option but to accept the averments made in the
O.A. as correct.

4. The contents of the review application

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are what should have been in the counter affidavit. The review petitioners having forfeited the right to file a counter-affidavit cannot now, through the review application, re-agitate this matter. Another ground taken for the review is that only the Chairman can pass orders for early hearing of the O.As. This ground is also not tenable as the Bench in its order dated 6.5.1994 stated that as the point involved was very short, the case was being listed for hearing. It may also be noted that neither the review petitioners have cared to file an application for restoring their right to file the counter nor did they ever challenge the order dated 6.5.1994, whereby this case was fixed for final hearing.

5. In view of the above, the review petition is hereby rejected.

/sds/

B.N.Dhondiyal
(B.N.Dhondiyal)
Member(A)

S.K.Dhaon
(S.K.Dhaon)
Actg. Chairman.