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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

M.A. NO. 826/2002  
&  
M.A. NO. 827/2002  
in  
M.A. NO. 2241/2001  
in  
O.A. NO. 1843/1996

This the 14<sup>th</sup> day of August, 2002.

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

Mohd. Zaheer Khan,  
Retd. Sr. Stenographer,  
Customs & Central Excise Collectorate,  
R/O 4/1220, Pan Wali Kothi,  
Bargad Wali Gali, Civil Lines,  
Aligarh (UP).

... Applicant

( In person )

-versus-

1. Union of India through  
Secretary, Central Board of  
Excise & Customs, North Block,  
New Delhi.
2. Commissioner,  
Customs & Central Excise,  
I.P.Estate, New Delhi.
3. Commissioner,  
Customs & Central Excise,  
1, M.G.Marg,  
Allahabad (UP).

... Respondents

( By Shri R.R.Bharati, Advocate )

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

Applicant has filed MA No.826/2002 for recalling order dated 11.10.2001 whereby his MA No.2241/2001 was dismissed for default, and MA No.827/2002 for condonation of delay in making MA No.826/2002. After hearing the applicant in person and the learned counsel of

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respondents, in the interest of justice, delay in filing MA No.826/2002 is condoned and order dated 11.10.2001 in MA No.2241/2001 is recalled.

2. Applicant had filed OA No.1843/1996 impugning order dated 24.12.1991 and praying for taking him on duty/payment of salary for two years. He had also challenged penalty of withholding of three increments with cumulative effect. Applicant had also filed OA No.2447/1996 impugning orders relating to leave for certain periods and praying for payment of pay and allowances for the leave period. The aforesaid OAs were disposed of on 5.2.1998 by the following orders :

"7. In this connection we notice that the above two OAs have been filed by the applicant after the Hon'ble Supreme Court's order dated 16.8.96 and is clearly an abuse of the process of law and the courts. In the circumstances, therefore, normally it would have been in order to award heavy costs against the applicant, but considering his age and the fact that he is appearing in person we do not wish to do so here. Parties to bear their own costs."

3. Applicant has now moved MA No.2241/2001 in OA No.1843/1996 under rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987 (hereinafter referred to as the Procedure Rules) for directions as may be necessary or expedient.

4. After this Court's orders dated 5.2.1998 in OA Nos.1843/1996 and 2447/1996, applicant had filed three Civil Writ Petitions before the Hon'ble High Court of Delhi in 1998. Applicant had enclosed with his MA No.2441/2001 copy of High Court's orders dated 5.8.1998.

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Vide orders dated 5.8.1998, the Hon'ble High Court had directed the authorities "to decide the appeals/representations, if pending as stated by the petitioner, within six weeks". Applicant has also drawn our attention to order dated 10.12.2001 of the Hon'ble Supreme Court passed on his SLP (Crl.) No. D19901/2000. It reads, "Without prejudice to the right of the petitioner to challenge the order said to have been passed on the representation made by him (which the High Court directed the authorities to dispose of) this matter is closed." Applicant has stated that respondents have not passed any orders on his representations.

5. On the other hand, the learned counsel of respondents stated that applicant's MA is not maintainable and deserves to be rejected as an abuse of legal process with exemplary cost as none of applicant's appeals or representations were pending with them. Applicant has not provided any particulars about his appeals/representations, pending with respondents for disposal, in his MA under consideration. To our specific query in this regard too, applicant could not furnish any particulars of his representations/appeals to respondents.

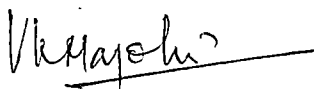
6. Whereas the Hon'ble High Court had directed the authorities to decide applicant's appeals/representations, if they were pending with respondents within six weeks, the Hon'ble Supreme Court had provided liberty to him to challenge the order said to have been passed on the representation made by him (which the High

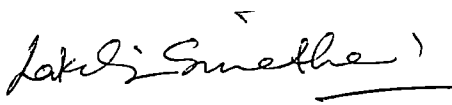
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Court directed the authorities to dispose of). It has been stated on behalf of respondents that no appeal/representation made by applicant was pending with them. Applicant has also not furnished to this Court any particulars regarding his appeals/representations pending with the authorities. This Court had passed orders on 5.2.1998 in OA Nos.1843/1996 and 2447/1996. Applicant has made the present MA on 29.5.2001 under rule 24 of the Procedure Rules. If applicant had made any appeal/representation to respondents, he could have agitated against the orders passed by respondents thereon. Respondents have denied that applicant made any such representation/appeal. Applicant has also not furnished any information about such appeal/representation.

7. On considering the orders of the Hon'ble Supreme Court and the Hon'ble High Court and the fact that applicant has not satisfied us regarding having made any appeal/representation to respondents, we find that MA No.2241/2001 is not maintainable in terms of rule 24 of the Procedure Rules.

8. MA No.2241/2001 is accordingly dismissed.

  
( V.K.Majotra )  
Member(A)

  
( Smt. Lakshmi Swaminathan )  
Vice-Chairman (J)

/as/