

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA No.379/2000 in
OA No.637/96

New Delhi this the 4th day of December, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman
Hon'ble Mr. Govindan S. Tampi, Member (A)

Union of India & Ors.

-Applicants

Versus

Shri H. Ahirwar

-Respondent

ORDER (By Circulation)

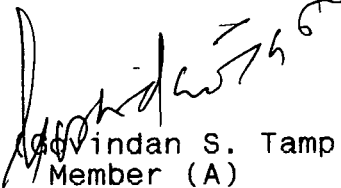
By Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)

The R.A. is filed by the respondents in the OA. At the time of disposal of the OA none appeared for the respondents. In this RA, placing reliance upon subsequent proceedings dated 30.6.2000 of the General Manager, Northern Railway, the review applicants urge that since the proceeding dated 30.6.2000 were not placed before the Court on the date of the disposal ~~which~~^{it} led to accede to the claim of the respondent and allowing the OA. ~~and~~^{since} the proceedings were suppressed by the counsel for the respondent, in the RA, the Tribunal has taken a wrong view. On this ground he seeks to re-open the case and recall the order.

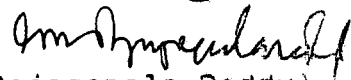
2. On the date when the case was disposed of, it was a part-heard matter. As seen from the order, even though ~~if~~ the matter was part-heard at the time of disposal none appeared for the applicants herein. On the material placed by the learned counsel for the applicant the case was disposed of. If the proceedings dated 30.6.2000 were not placed before us it is entirely the fault of the applicants herein. It is now sought to be urged that due to the change in the panel of the Railway Advocate no counsel

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could appear in the present case. We do not think that it is a valid reason for recalling the order. It is the duty of the Railways to have taken due care in appointing the counsel when it was put on notice ⁱⁿ a case. If the counsel was not properly appointed at the relevant time to defend its case they will have to face the consequences. That cannot be a ground for recalling the order. The applicants herein are, however, not without remedy against the order in question. The RA is, therefore, dismissed, in circulation.


(Govindan S. Tampi)
Member (A)

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(V. Rajagopala Reddy)
Vice-Chairman (J)