

Central Administrative Tribunal, Principal Bench

R.A.No.119/96 & M.A.No.1404/96 in O.A.No.2461/95

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 24th day of February, 1997

Shri Subash Kumar
s/o Shri Chhote Lal
r/o 8/406, Khichripur
Delhi - 110 091.

... Applicant

(None)

Vs.

1. Union of India
through the Chairman
Telecom Commission
Sanchar Bhavan
20, Ashoka Road
New Delhi.

2. The Chief General Manager
T & D Circle
Sanchar Vikash Bhawan
Residency Road,
Jabalpur(MP).

3. The Director(A/T)
T & D Circle
104, Eastern Court
New Delhi - 110 001.

... Respondents

(By Shri M.L.Verma, Advocate)

O R D E R

This RA has been filed against the order dated 28.5.1996 in O.A.No.2461/95. The review petitioner has submitted that the OA was admitted on 16.5.1996 and was ordered to be put up in its turn. In the meantime, summer vacations intervened and on return from his vacation from outside Delhi, the counsel examined the file and found that it had been disposed of on 28.5.1996 by the impugned order. The applicant submits that no notice of the case having come up for hearing had been served on him, and the matter was heard ex-parte without giving an opportunity to his counsel to present his arguments.

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2. When the matter came up for hearing today, once again none appeared for the applicant. The learned counsel for the respondents on the other hand, correctly pointed out that no mistake or an error of law or fact apparent on the face of the record has been pointed out by the review petitioner. As per the CAT (Procedure) Rule 16, the Tribunal may, in its discretion, adjourn the hearing or hear and decide the application ex-parte. No separate notice is issued when the case is once admitted and order to be listed for hearing in its turn. Moreover, this case had been listed in the cause list of 21.5.1996 at page-15 with a note that this case will be listed for hearing on 27.5.1996. It had shown in the cause list of 27.5.1996. Since none had appeared on that day the case was kept on Board, and on 28.5.1996 it had been decided. I also find that the impugned order has been passed on merits and the review petitioner has not mentioned as to what law point was sought to be raised in the arguments. It is also not clear as to how, by the absence of the counsel for the applicant, an infirmity has crept in the impugned order.

3. In view of the above position, the review petition being totally devoid of merit is hereby dismissed. No order as to costs.


(R.K. AHOOJA)
MEMBER(A)

/rao/