

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

C.C.P. No.229 of 1993 .

O.A.No.1002 of 1993.

Lekhi Ram

.....Petitioner.

Versus

Union of India & othersRespondents.

For the petitioner: Shri K.L.Bhandula, Counsel.

5.7.93.

ORDER

(By Hon'ble Mr.Justice V.S.Malimath,Chairman)

This contempt petition is for taking action against the respondents for the alleged violation of the order passed by the Tribunal in O.A.No.1002 of 1993 on 12.5.93. By the said order, a direction was issued that the representation of the petitioner in regard to his transfer should be considered and while making such consideration he should not be relieved from the present place of posting. This order was made on 12.5.93. The petitioner has placed before us the communication dated 17.5.93 in support of his case which was passed after the copy of the judgment of the Tribunal having been placed before the concerned authority. We do not propose to examine at this stage the complaint about the alleged violation of the order of the Tribunal. We find on a perusal of the records of the original application in this case that the aforesaid order came to be made by this Tribunal on the date the case was taken up for consideration for preliminary hearing on 12.5.93. The cause title also shows that none appeared for the respondents. Without notice to the respondents a direction which they are required to obey has been passed by the Tribunal. This prima facie is against all canons of justice as no final order can be made

against any party without the said party being given an opportunity of being heard in the matter. That being the position, it would be manifestly unreasonable for the Tribunal after committing a mistake in not giving a hearing to the respondents while passing the order and then to proceed to take punitive action for not obeying that order. In our opinion, the Tribunal has committed a mistake in passing the order without issuing notice to the respondents. It is, therefore, just and proper that the Tribunal retraces its steps. We, therefore, propose to suo motu review the order made in the original application. We direct notice to the petitioner to show cause why we should not review the order of the Tribunal rendered in O.A.No.1002 of 1993 on 12.5.93 on the ground that the said order was passed against the respondents without giving them an opportunity of showing cause in the matter. Let notice go to the petitioner on the suo motu review application fixing 16.7.93. At this stage Shri Bhandula, learned counsel for the petitioner submitted that he takes notice of review. We shall hear him on the next date. Post the review case and this petition on 16.7.93.

S.R. Adige
(S.R.ADIGE)
MEMBER(A)

V.S. Malimath
(V.S.MALIMATH)
CHAIRMAN.

(ug)

*Notice / copy
issued. A.D. awarded
14/7/93*