

Central Administrative Tribunal
Principal Bench, New Delhi.

CP-145/94 in
OA-124/93

New Delhi this the 18th Day of May, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman
Hon'ble Mr. B.N. Dheundiyal, Member(A)

Shri Murari,
S/o Sh. Bhassoo,
R/o 228, Block-A,
Janakpuri,
New Delhi.

Petitioner

(through Sh. B.K. Batra)

versus

1. Shri Massih Zaman,
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Sh. Amit Malhotra,
Divisional Rail Manager,
Northern Railway,
Moradabad.

3. Sh. S.C. Kapur,
Assistant Engineer,
Northern Railway,
Hapur.

Respondents

ORDER (ORAL)
delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The complaint in this application is that the directions given by this Tribunal in OA-124/93 on 18.1.1993 have not been carried out. From the perusal of the original record, it is transpired that the said order was passed without even issuing of notice to the respondents. Therefore, it was an ex-parte order passed in violation of principle of natural justice. This order therefore, does not bind the respondents. This is a fit case where we should exercise suo moto powers to recall the said order.

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The learned counsel has invited our attention to the order dated 25.03.94 passed by us in MA-831/94 filed in the said O.A. purportedly under Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987. Therein we have observed that the remedy of the applicant is not an application under Rule 24 of the C.A.T. (Procedure) Rules, 1987 but his remedy is either to file a fresh O.A. or initiate contempt proceedings. We must confess that we passed the order in ignorance of the fact that the order passed in OA-124/93 on 18.1.1993 was an ex-parte order.

The order dated 18.1.1993 is recalled. The O.A. be listed before the appropriate Bench for admission. The contempt petition is rejected.

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(B.N. DHOUNDIYAL)
MEMBER (A)

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(S.K. DHAON)
VICE CHAIRMAN

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