

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

R.A.397/2001 IN  
OA NO. 1088/2000

New Delhi, this day the 4<sup>th</sup> of January, 2002

HON'BLE SHRI S.A.T. RIZVI, MEMBER (ADMN)

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1. Ms. Geeta Saini,  
2515/93, Tri Nagar,  
Delhi - 110 035
2. Ranjit Jha,  
E-3, Welcome Seelampur,  
Delhi
3. Rajinder Kumar,  
115/8, Shiv Maandir,  
Wazirabad, Delhi
4. Deep Chand,  
115/8, Shiv Mandir,  
Wazirabad, Delhi
5. Mukesh Kumar,  
Vill. Sutandi, P.O. Garsani,  
Distt. Agra (UP)

.... Review Applicants

Versus

1. Govt. of NCT of Delhi  
Through its Chief Secretary,  
Delhi Secretariat, Writers Building,  
I.P. Stadium, New Delhi-110002
2. Secretary (Revenue),  
Tis Hazari Court Complex,  
Delhi
3. Divisional Commissioner,  
Under Hill Road, Civil Lines,  
Delhi - 110 054
4. Additional District Magistrate (Hq.)  
Room No.139, Tis Hazari Court Complex,  
Delhi - 110054

..Respondents

O R D E R (By Circulation)

The present RA seeks recall/review of the Order  
passed by this Tribunal on 17.10.2001 in OA No.1088/2000.

2. The aforesaid orders were passed by this Tribunal  
after taking note of the fact that none had appeared on

behalf of the respondents even on the second call and further that insofar as the applicants were concerned, the learned counsel appearing on their behalf had himself failed to appear before the Tribunal on 17.10.2001, that his proxy counsel ~~was not~~<sup>2</sup> appeared before the Tribunal only to convey that the learned counsel for the applicants was busy elsewhere. The learned counsel for the applicants' absence on the previous date was also noted together with the fact that on an earlier date as well adjournment had to be given at his request. Orders were, therefore, passed by this Tribunal on 17.10.2001 by relying on the provisions of rules 15 and 16 of the CAT Procedure Rules, 1987.

3. The applicant cannot seek a review of the aforesaid order dated 17.10.2001 on the ground that while in another case relating to the same learned counsel listed for the same day, adjournment was granted by the Tribunal, a different treatment was meted out to the OA in question. A decision to take up a case in the absence of learned counsel is taken on the basis of the facts and circumstances of ~~the~~<sup>the</sup> case. A uniform rule cannot, therefore, be applied in such matters. In any case, no mistake on the face of the record can be said to have been discovered by contending that the OA in question was taken up in the absence of the learned counsel.

4. Insofar as the plea that the OA in question ~~was not~~<sup>was earlier 2</sup> set apart as part heard is concerned, I find from the record that the same had been released from the list of part heard cases on 13.9.2001. Even its ground cannot, in my 2 view, be relied upon for purposes of review. 2

(3)

5. The third ground taken by the review applicants in the light of the notification published in Nav Bharat Times on 15.7.2001 is also found to be untenable insofar as the claim for ~~the~~ review is concerned. The matter has been adequately dealt with after taking into account the pleadings of the parties at the time of passing of the order in question dated 17.10.2001. 27

6. *Thus,* After a careful consideration of the matter, I ~~also~~ do not find any error apparent on the face of the record nor do I find any other justification which might necessitate review of my order under Order XLVII Rule 1 of the CPC read with Section 22 (3) (f) of the Administrative Tribunals Act, 1985.

7. In the circumstances, the RA is rejected.

  
(S.A.T. RIZVI)  
MEMBER (A)

/pkr/