

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R.A.No.85/95 in
O.A.No.2247/90

Hon'ble Shri Justice B.C.Saksena, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member (A)

New Delhi, this 8th day of February, 1996

Shri Balwinder Singh
s/o Shri Nadhan Singh
Investigator Gr.II
Ministry of Labour
Shram Shakti Bhawan
New Delhi.

... Applicant

Versus

Union of India through:

1. Secretary
Ministry of Labour
Shram Shakti Bhawan
Rafi Marg
New Delhi. ... Respondent

(By Shri P.H.Ramchandani, Advocate)

O R D E R

Hon'ble Shri R.K.Ahooja, Member(A)
The present Review Application has been filed in
respect of the order dated 17.11.1994 in OA No.2247/90 on the
ground that the case was heard ex-parte and in the absence of
the applicant.

2. The applicant claims that he was kept in the dark
about the final hearing and was thus denied an opportunity to
present his case. Furthermore, the various records sought by
the applicant were not produced by the respondents and for
that reason also the Tribunal was not properly guided and
provided with full facts in order to come to a proper
decision.

3. The applicant who appeared in person submitted that he
should be represented through his father for arguing this
case. This could not be permitted under Section-23 of the
Administrative Tribunals Act, 1985 which provides that persons

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making an application to Tribunal under the Act, may either appear in person or take the assistance of a legal practitioner to present his case before the Tribunal. Since the father of the Petitioner is not a legal practitioner, he could not represent the applicant. However, the written submissions filed on behalf of the applicant were taken on record.

4. In the circumstances of the case, the ~~proper~~ counsel for the respondents also very fairly did not make any oral submissions and restricted his case on the pleadings in the counter affidavit.

5. The applicant submits that being a poor Government servant, he could not be expected to make repeated visits to the Tribunal to find out when his case would come up for the final hearing and therefore, it would have been proper and in the interest of justice that a notice had been sent to him as had been done on earlier occasions when his various Miscellaneous Applications came up for consideration. In support of his contention, he relied upon Rule-22 of the Central Administrative Tribunal (Procedure Rules) 1987, regarding communication of orders to the parties. On a careful consideration of the matter, we do not find that the contention of the applicant has any basis. There is no requirement under the CAT Procedural Rules that the applicant should be specially informed of the dates of final hearing. Rule-22 only provides that every interim order and final order shall be communicated to the applicant and to the concerned respondents or to their counsels. A cause list or warning list indicating the fixation of a date for the hearing of a case, is not in the nature of an Interim Order or a final order which has to be communicated to the applicant under Rule-22. The applicant is expected to be vigilant about his

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own case and he cannot shift the onus of keeping track of his case elsewhere. This case was mentioned in the warning list long before the date of hearing and also in the cause list on ^{May 1994} 14, 15, 16 and 17 and it was only after that the OA was heard on the last date, keeping in view the consistent absence of the applicant, the matter was heard ex-parte. We also note that the order sought to be reviewed, has been decided on merits and detailed reasoning has been given for the conclusion reached. We find that there is no error apparent on the face of record which would warrant a review. Accordingly, we find no merit in the Review Application, which is dismissed without any order as to costs.

R.K.Ahooja
(R.K.AHOOJA)
MEMBER(A)

/RAO/

B.C.Saksema
(B.C.SAKSENA)
VICE-CHAIRMAN(J)