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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

RA No 421/93 in
OA No 608/91

New Delhi this the 12th day of November, 1993.

THE HON'BLE MR. N.V. KRISHNAN, VICE-CHAIRMAN(A)
THE HON'BLE MR. B.S. HEGDE, MEMBER (J)

PRAVEEN KUMAR

...APPLICANT

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

O R D E R (By circulation)

OA-608/91 was disposed of by our judgement dated 29.3.93 ex-parte against both the parties. The matter had been left part-heard on 18.3.93 and 23.4.93 when Shri O.P. Saxena, learned counsel for the applicant and Ms. Ashoka Jain, learned counsel for the respondents were heard.

2. Subsequently, it came up before us on 10.9.93, as one of us (Shri N.V. Krishnan, Vice-Chairman) was hospitalised in the meantime. Due to paucity of time it was adjourned to 23.09.93. On that date neither the applicant nor his counsel was present, nor was the counsel of the respondents present. We, therefore, disposed of the O.A. after perusal of the records.

3. The applicant has filed this R.A. seeking review of that judgement.

4. We have perused the R.A. We are satisfied that it can be disposed of by circulation and we proceed to do so.

5. The ground given by the applicant for the review is that the counsel of the applicant was sick and was resting

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at his home in Dehradun, in proof of which he has annexed the visiting card of the counsel Shri P.M. Hinduja which contains his Delhi and Dehradun address and telephone number. It is also stated that as none appeared on behalf of the respondents also it would appear that nobody knew about the date of hearing. It is also stated that on the date of final hearing when orders were passed the applicant tried to get hold of another counsel from the company of Advocates representing him but failed and he himself reached a little late after the case was called for the second time. In the circumstances, the applicant seeks review of the O.A.

6. We have considered the matter. The applicant has not filed any affidavit of the counsel Shri P.M. Hinduja about his being out of station. That did not prevent the counsel Shri O.P. Saxena who had appeared in this O.A. on a number of occasion to make his appearance.

7. The cause list is exhibited on the Board of the Tribunal and it is the duty of the parties to note the date on which the proceeding is fixed. The very fact that the applicant tried to contact another Advocate of the firm to make his appearance on 23.9.93 is proof of the fact that he had knowledge of the proceedings.

8. That apart, we notice that there is no statement or affidavit of Shri O.P. Saxena in this regard. We had taken

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almost an hour to dispose of this case and if the applicant had come even late and made a request to us, we would have considered adjourning the case to a further date. The submissions of the applicant in this behalf are not credit worthy.


9. In the circumstances, we find no merit in the RA. It is dismissed.


(B.S. HEGDE)

MEMBER(J)

12.11.93.

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(N.V. KRISHNAN)

VICE-CHAIRMAN

12.11.93.