

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL  
BENCH NEW DELHI

Misc. Petition No 727/93  
Original Application No. 306 of 1992

19-03-1993

Anek Pal Singh .... Applicant

versus

Union of India and Others .... Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C

Hon. Mr. S.R. Adige, Member(A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The learned counsel for the respondents is not present. In terms of our order dated 17.3.93, in his absence we are looking into the application as a matter of fact and the case was finally disposed of on 23.12.92. This application has been moved by the Union of India praying that the order against the Union of India as *ex parte* and consequently, the same may be set aside as the case was listed for admission the only order which could have been passed was either the application is to be admitted or dismissed and it could not have been allowed. The pleadings are complete and the case was disposed of finally vide order dated 19.11.92. This Tribunal directed that the case may be listed for final hearing on 20.11.92. This order was passed in presence of the counsel for the respondents Union of India. It is true that on 20.11.92 in the order it was mentioned that the case may be listed on 18.12.92 for hearing on admission. On that date

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it was adjourned and directed to list it on 23.11.92 on which date it was disposed of. The earlier ~~for~~ order for deciding it in the final hearing was never recalled and it may be that notices were ordered in the subsequent order only the word 'admission' finds place. Even otherwise, as the case has been disposed of on final hearing the only remedy is a review application and not a restoration application. Accordingly this application is rejected.

*Arif Ali*  
Member (A)

*L*  
Vice Chairman

Dated: 19.3.1993

(Uv)