

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Misc. Application no. 3961 of 2005

IN

Original Application No.561 of 2001

Allahabad, this the 14/5 day of December 2005.

Hon'ble Mr. S.C. Chaube, Member-A
Hon'ble Mr. K.B.S. Rajan, Member-J

Indra Jeet Singh, S/o late Vishwanath Singh, R/o
Village & Post Kopawa, District Ballia

Applicant.

(By Advocate : Sri Sher Bahadur Yadav)

Versus

1. The Union of India,
Through the Secretary,
Ministry of Communication,
Department of Posts,
New Delhi.
2. Post Master General, U.P. Allahabad.
3. Post Master Ballia.
4. Inspector of Post Offices, Central Sub
Division, Ballia.
.....Respondents.

(By Advocate : Shri Sri S. Singh)

O R D E R

By K.B.S. Rajan, Member-J

The applicant has filed OA 561/01 which stood dismissed on default and non prosecution vide order dated 23-07-2001. Thereafter, the applicant has moved MA No. 855/05 and 856/05 for recall of the



earlier order of dismissal which was heard by the Tribunal and the said M.As were dismissed as no good ground had been furnished for the inordinate delay, vide order dated 08-04-2005. The present M.A. (3961/05) filed in September, 2005 is for recalling of the said order dated 08-04-2005. This is accompanied by another application (MA 3962/05) for condonation of delay.

2. We have heard the parties. This MA is thoroughly devoid of merits on account of the following twin reasons:-

(a) When the earlier MA had been dismissed, the same was not on account of default but was on merit. As such, the dismissal of the OA vide order dated 23rd July, 2001 had attained finality, once the recall application has been dismissed on merit. There is no further scope for considering recalling the order dated 23-07-2001 thereafter. The applicant has prayed for recalling of the order dated 23rd July, 2001, without having the order dated 08-04-2005 set aside.

(b) For setting aside of the order dated 08-04-2005, either the applicant could have filed a review application, within the



time limit provided for in the relevant rules, manifesting any error on the face of records ^{or} ~~of~~ he could have approached the Hon'ble High Court against the said order dated 08-04-2005. The instant M.A. does not fall under any of the above category.

3. In view of the above, we find that the M.A. is not at all maintainable and is therefore, rejected. As the M.A. is not maintainable, there is no question of consideration of the application for condonation of delay in filing the said M.A. Hence, the same too is dismissed.



MEMBER-J

GIRISH/-



MEMBER-A