

By Circumlation

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD  
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Review Application No.26/2004  
in  
Original Application No.1423/2004

Dated : This the 6<sup>th</sup> day of April, 2004

Hon'ble Mrs. Meera Chhibber, J.M.

Mahesh Prakash

....Applicant

By Advocate :- Shri B.D.Shukla

Versus

Union of India & Others

....Respondents

By Advocate :- Shri .....

O R D E R

By Hon'ble Mrs. Meera Chhibber, JM

This Review Application has been filed against the order dated 20.2.2004 on two grounds that the order was passed in the absence of counsel and that 1st class passes are being used by other Assistant guards.

These are not the grounds on which a judgment given on merit can be reviewed. The scope of review is very limited and can be allowed only if applicant is able to show that there has been some error of fact or law on the face of the record. Counsel for the applicant



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has not been able to show me any error apparent on the face of record. He is now stating that 1st class passes are being availed by other Assistant Guards and shunting man but such vague averments are of no use. If he had to cite any example names of persons should have been given in the O.A. itself so that respondents could have replied the same. In O.A. no such example with name was given.

3. As far as deciding the case in absence of counsel is concerned I would only like to quote rule 15(i) of C.A.T. Procedure Rules, 1987, which for ready reference reads as under:-

**15. Action on application for applicant's default.(1)**

Where on the date fixed for hearing of the application or on any other date to which such hearing may be adjourned, the applicant does not appear when the application is called for hearing, the Tribunal may, in its discretion, either dismiss the application for default or hear and decide it on merit.

4. It goes without saying that once the case is listed, it is the duty of counsel to be present in court. If he was not present and case was decided on merit by attracting Rule 15(1) of CAT Procedure Rules, this is no ground to reargue the case. Since there is no merit in the Review Application, the same is dismissed in circulation.



Member (J)

shukla/-