

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Review Application No. 81 of 2004.

in

Original Application No.1021 of 1999.

Allahabad, this the 16th day of September, 2004.

Hon'ble Mrs. Meera Chhibber, J.M.
Hon'ble Mr. D.R. Tiwari, A.M.

Nagendra Kumar Mishra,
S/o Sri Radha Krishna Mishra,
R/o Village Tulapur,
Post Office Sikandra,
Distt. Allahabad.

.....Applicant.

(By Advocate : Shri A.K. Bajpai)

Versus

1. Union of India through Chief Secretary,
Post and Telegraph, New Delhi.
2. Senior Supdt. of Post Offices, Allahabad.
3. Up Mandaliya Nirikshak Post Offices,
(North), Kelbelari Line, Govindpur,
Allahabad.

.....Respondents.

(By Advocate : Shri D.S. Shukla)

O R D E R

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

This Review Application has been filed against the judgment and order dated 27.7.2004 on the ground that case was decided exparte and that applicant was appointed initially as EDDA/MC in February, 1997 and had sufficient experience.

2. We have to refer to rule 15 (1) of the C.A.T. procedure rules which for ready reference reads as under :-

"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."



....2.

3. The case was listed on 27.7.2004 when none appeared for the applicant even in the revised call therefore the case was decided on merit by passing a reasoned order. It goes without saying that it is the duty of counsel to remain present in court when the case is called out. Simply because counsel was not present, it is no ground to file review. The other points have already been discussed in the judgment. If applicant feels judgment given is wrong, his remedy lies elsewhere as we cannot sit in appeal over our own orders nor can applicant be allowed to reargue the case by filing review application. In 2004 (2) ATJ S.C. 190 it has been held by Hon'ble Supreme Court in the case of Tarit Ranjan Das that scope of review is very limited. It is not permissible for forum to act an appellate forum in respect of original order by a fresh rehearing to facilitate change of opinion on merits. Applicant has not annexed any regular appointment letter even in the review application, therefore, there is no merit in the review application. The same is accordingly dismissed in circulation.



Member (A)



Member (J)

shukla/-