

OPEN COURT

**Central Administrative Tribunal Allahabad Bench
Allahabad.**

Allahabad This The 14th Day Of October, 2008.

REVIEW APPLICATION NO. 85 OF 2004

IN

ORIGINAL APPLICATION NO. 682 OF 2003.

Present:

Hon'ble Mr. Justice A.K. Yog, Member (J)

Union of India and othersApplicant

By Advocate : Shri S. Srivastava

Versus

Munni DeviRespondents

ORDER

Heard Shri S. Srivastava, learned counsel for the applicants in the above Review Application No. 85/04, (Respondents in the above noted) contain specified legal grounds. The affidavit (sworn by S.N Sharma) is narrative. In absence of 'legal grounds' Review Petition is not tenable,

2. This Bench happened to deal with the review, which must contain facts and legal grounds. In absence of legal ground, it is not possible to infer exact ground on which review is sought otherwise also there seems to be no merit in this Review Petition.


3. Sole ground as per averments made in the affidavit appears to be that counter affidavit (which was drafted) could not be filed before the date fixed for hearing in the O.A. There is no averment that respondents were not given due opportunity to file their defence. The excuse for their failure to file counter affidavit (before hearing of the O.A) is 'careless' conduct of the counsel engaged by the respondents (see para 12 of the affidavit). Respondents have conveniently avoided to relevant facts to demonstrate-alleged 'careless' conduct of withhold the counsel. There is

us

no mention of the Name and action, if any, taken against said counsel.

4. Be that as it may, there is no error apparent while Tribunal observes that counter affidavit was not filed. There is no ground to invoke review jurisdiction. If respondents is aggrieved on merit of the O.A. it may take such step to seek remedy, before Higher Forum, Learned counsel for the applicant referred to the judgment and order dated 7.4.2008 passed by Division Bench of High Court, Allahabad in Civil Misc. Writ Petition NO.7665 of 2007. I have carefully gone through it and find no direction as such to hear the review petition on merit (as alleged by the learned counsel for the Respondents). Review petition is dismissed.

4. No order as to costs.


(Justice A.K. Yog)
Member (J)

Manish/-