

17.11.2006

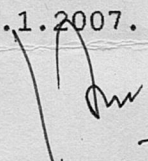
Hon'ble Mr. Justice Khem Karan, V.C

Heard Sri Dharmendra Tiwari holding brief of Sri K.K. Mishra, learned counsel for the applicant and Sri S. Srivastava, learned counsel for the respondents on this Review Application.

The original application filed by the applicant, was listed for hearing on 18.11.2004. The applicant filed that O.A for compassionate appointment under Dying in Harness Rules. On the date so fixed, he and his counsel could not appear and this Tribunal, after hearing learned counsel for other side, ^{is} dismissed the same on merits. Sri Dharmendra Tiwari has submitted that due to certain inadvertence on the part of previous counsel, he could not note ^{on the date of} that case, was so listed for hearing on that date, consequently could not appear. According to him, the relevant facts and arguments ^{could} not be placed before the Tribunal, ^{with} the result the O.A. ^{was} dismissed on merits.

Learned counsel for the respondents has opposed this review but has not able to ^{meet} ~~met~~ the abovementioned submissions of Sri Dharmendra Tiwari.

The Tribunal is of the view that the decision given by the Tribunal without hearing the learned counsel for the applicant, deserves to be reviewed and recalled. The matter deserves to be heard ^{and decided} again ~~and decided~~ again. So Review is allowed and order dated 18.11.2004 is recalled and it ^{by} directed ^{in O.A.} itself be listed for hearing on 2.1.2007.


Vice Chairman

Manish/-