

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 4th DAY OF MAY, 2010)

PRESENT:

HON'BLE MR. S.N. SHUKLA, MEMBER-A

**REVIEW APPLICATION NO.27 OF 2005
IN
ORIGINAL APPLICATION NO.10 OF 2004
(U/s, 19 Administrative Tribunal Act.1985)**

1. Union of India through General Manager,
N.E. Rly., Gorakhpur.
2. Chief Commercial Manager/Ya.Sa.Va. North Eastern
Railway, Gorakhpur.
3. Senior Personal Officer (Traffic), N.E. Rly., Gorakhpur.

..... Applicant/Respondents

By Advocate :Shri Anil Kumar

Versus

Ram Bachan Yadav, S/o Sri R.V. Yadav,
R/o Vill & Post Jagat Bela, District-Gorakhpur.

..... Respondents

By Advocate:

ORDER

1. The OA No.10 of 2004 was decided vide judgment and order dated 18.3.2005 of this Tribunal. The MA is for deletion of last three lines of Para 2 of the order as being factually incorrect. In para 8 of the application it has been averred that by the said impugned order dated 05.11.2003 (Annexure A-3 of the OA) opposite party/applicant has never been attached to Varanasi office, nor any relief to that extent was asked/amended by him in the OA.

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2. Attention of the Tribunal is drawn to para 2 of the order dated 18.3.2005 in OA No.10/2004 which reads as follows:-

"The applicant has placed under suspension vide order dated 05.11.2003 in contemplation of Disciplinary Enquiry against him. By the self same order the applicant, who was working as Traveling Ticket Examiner, Gorakhpur was attached to Varanasi."

2. Attention is also drawn to Annexure A-2 of the review application being the suspension order dated 05.11.2003 having been referred to in extract of Tribunal's order (Supra). The petitioner prays to modify the final order dated 18.3.2005 passed in OA No.04.2010-R.B. Yadav Vs. Union of India and Others observing that applicant was not attached by ~~the self same~~ order of suspension dated 5.11.2003 to Varanasi.

3. In order dated 17.2.2006 it has been taken note by the then Member (Judicial) that prima facie the attachment of the applicant at Varanasi does not appear to be based on suspension order and notices were directed to be issued to respondents within four weeks. Vide order dated 15.9.2008 by the Hon'ble HOD the case was to be treated as released be listed before respective available Bench. Accordingly, the case has been listed for disposal today.

4. Vide order dated 21.8.2009 it has been noted that the notice to the opposite party has not been issued till that date since the necessary steps were not taken by the petitioners. Office has reported that notice to the [applicant in the OA] was issued on 2.9.2009 by Registered Post AD. No unserved notice has been received back so far and no counter affidavit has been filed.

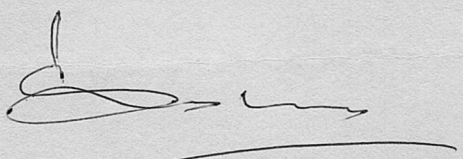
[Signature]

5. Heard Shri Anil Kumar learned counsel for the applicant. Perusal of suspension order as Annexure-2 to the review petition at [page 17] does not indicate anywhere that the opposite party i.e. R.B. Yadav was attached at Varanasi.

6. The notice of the opposite party deemed to have been served and their being no counter affidavit as also no information to the contrary available on record, it seems clear that the following lines in para 2 of order dated 18.3.2005 in OA No.10 of 2004 have been inserted inadvertently unsupported by any material on record. Accordingly, the following lines will stand deleted from para 2 of the order dated 18.3.2005.

7. **“By the self same order the applicant, who was working as Traveling Ticket Examiner, Gorakhpur was attached to Varanasi”.**

8. With these observations the review application is disposed of.
No order as to Costs.


Member-A

/ns/