

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 2nd day of December 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. A. K. BHATNAGAR, J.M.
Res./Recall Appn. No. 4501/99 in
O. A. No. 1637 of 1992

1. K.L. Kushwaha, working as Head Clerk, D.R.M. Office, N.E. Railway, Varanasi.
2. M. Ayub Alam, working as Head Clerk under P.W.I.? N.E. Rly., Varanasi.
3. M. Hakik Khan, working as Head Clerk, A.E.N. Officer, N.E. Railway, Ballia.
4. Munindra Kumar Srivastava, working as Head Clerk under A.E.N. Officer, N.E. Railway, Varanasi.

..... Applicants.

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Counsel for applicants : Sri Sanjay Kumar.

Versus

1. Union of India through Secretary, Railway Board, Railway Bhawan, New Delhi.
2. General Manager, N.E. Railway, Gorakhpur.
3. Divisional Railway Manager (P), N.E. Railway, Varanasi.
4. Dharam Raj Ram, working as Head Clerk under Permanent Way Inspector, N.E. Railway (Mau)
5. Sati Ram, working as Head Clerk under Permanent Way Inspector Track Department, N.E. Railway, Varanasi.
6. Phool Chandra, working as Head Clerk, D.R.M. Office (Engineer) N.E. Railway, Varanasi.....

..... Respondents.

Counsel for respondents : Sri A.V. Srivastava.

ORDER

BY HON. MR. S. DAYAL, A.M..

This is a recall/ restoration Appn. No. 4501/99 seeking the setting aside of order dated 23.3.1999 and to restore the O.A. No. 1637/92 to its original number for being decided on merits.

2. We find that the O.A. was decided on 23.3.99 by the

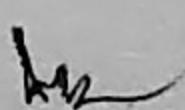
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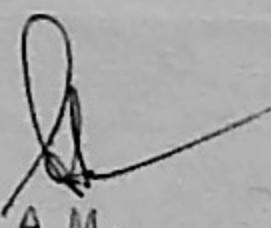
following order :-

"Learned Counsel for the applicant submits that this application has become infructuous. In view of the above, submission, the O.A. is dismissed as infructuous with no costs."

3. Besides there being a question of jurisdiction of a coordinate bench to set aside the order of another bench, there is a question of delay. The recall application filed after nearly six months of dismissal of the O.A. seeks to put the blame on applicant No.1 for not informing the other applicants of the stage of proceedings before the Tribunal and seeks to explain away the delay ^{perfunctorily} by stating that the delay was caused on account of communication gap. Thus, there is no adequate justification for delay in filing the M.A. The M.A., therefore, stands dismissed.

There shall be no order as to costs.


J.M.


A.M.

Asthana/