

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

Misc. Delay Condonation Application No. 2708 of 2002

In

Review Application No. 62 of 2002 in O.A.1307 of 1992

Allahabad this the 2nd day of September 2002

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. A. K. Bhatnagar, J.M.

L. P. Singh, Assistant Commercial Manager,
in the office of Chief Commercial Manager (C),
Northern Railway, Varanasi.

..... Applicant

By advocate Ms. Renu Singh

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,
Allahabad.
3. Shri Narendra Singh, son of Shri Balwant Singh,
Commercial Inspector (CMI (G)), Northern Railway
Tundla.

..... Respondents

By advocate

O R D E R

By Hon'ble Mr. S. Dayal, Member (A)

Km. Renu Singh for the applicant.

2. The learned counsel for the applicant moves delay condonation application No. 2708/2002. In the affidavit filed alongwith Misc. Application No. 2708/02. It has been stated that the applicant in review came to know of the proceedings only after receiving ^{the} order dated 06.03.2002. The order dated 06.03.2002 shows that the seniority of Shri Narendra Singh who was the applicant in OA 1307/92 was changed from 204 to 158-A between Shri Sadhu Ram and L.P. Singh

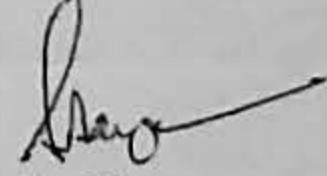
who were the respondents in the said O.A.

3. The applicant in this review application claims that he became aware of O.A. 1307/92 only after he received the order changing the seniority.

4. However, it has been mentioned in paragraph-5 of the Affidavit that the correct address of the respondents No. 3 in the O.A. was supplied and a notice was issued by the Registry of the Tribunal on 24.12.96 and 31.12.96. The said notice was not returned as unserved, therefore, the presumption of service was drawn. The applicant in review claims that he was un-aware of the pendency of the case and no notice or summon^{was ever} served on him or was received by him. Therefore, the seniority of the applicant in O.A. was revised behind the back of the applicant in this review.

5. The applicant in review does not state that the address furnished by the applicant in O.A. on 23.12.96 was wrong. The notice was not received unserved by the Tribunal. Under the circumstances, a bland assertion after a passage of 5 years of the judgment to the effect that the order was passed behind the back of the applicant in the review is not acceptable. We, therefore, reject the delay condonation application No. 2708/2002.


J.M.


A.M.

shukla/-