

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Civil Misc. Application NO. 158 of 1993

In

Original Application No. 1674 of 1992

Allahabad this the 09th day of April 1999

Hon'ble Mr. S. Dayal, Member (A)
Hon'ble Mr. S.L. Jain, Member (J)

Union of India Applicant

By Advocate Shri N.B. Singh

Versus

Gauri Shanker Prasad Respondent

By Advocate Shri M.K. Upadhyay

O R D E R (Oral)

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

The respondents in O.A. No.1674 of 1992 between Gauri Shanker Prasad Vs. Union of India and others have filed this misc.application for recall of the direction given to the Director Postal Services, Allahabad to decide the appeal on the ground that it was not filed or pending before him. This misc.appl-ication has been filed for recall of the direction *that the appeal of the applicant be decided on merits within a period of one month from the date of receipt of the certified copy of this order from the appl-icant. It is mentioned in the order of appeal that the appeal is

pending before the Director Postal Services from 04.11.92 onwards. This order has been passed in the O.A. in limine as no notices were issued and the respondents in the O.A. who are presently applicant in the misc.application had not been given an opportunity to file any reply.

2. Shri M.K. Upadhyaya, learned counsel for the respondents in the misc.application states that the misc.application is misconceived because the application is only for recall of the order of the Tribunal. Secondly the order does not place any undue demands on the respondents in O.A.No.1674/92 in so much as it only require them to dispose of the appeal filed by the applicant.

3. Learned counsel for the applicant in this misc.application contested the direction of the Tribunal on the ground that the order was passed on mis-statement of fact. There was no appeal of 04.11.1992 pending before the respondents at the time, the directions in O.A. 1674/92 were given.

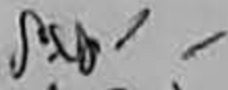
4. The only point which remains for consideration is whether appeal may not have been received by the applicant in this misc.application earlier but may have been received when the applicant sent it along-with an order of the Court subsequently on 21.12.1992, should have been disposed of by the respondents in O.A. 1674/92, or not.


5. The option before us is to recall the order, hear the entire O.A. and again issue the same direction which the Division Bench has given earlier

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to be complied albeit giving a new date for compliance of directions of the Division Bench in that O.A.

6. Since the delay in filing the appeal alleged by the applicant in this misc.application is not long, we feel it proper to allow the applicant in this misc.application to carry out the directions given by the Tribunal in O.A. 1674 of 1992 within the period of 2 months from today. With these, the misc.application is disposed of.


Member (J)


Member (A)

/M.M./

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No. Description of Documents Date of Filing.

PART (I)

ORDER SHEET 1-10
JUDGEMENT DT..... 9-4-98
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PART (II)

CHECK LIST
PETITION COMPLIATION WITH ANNEXURES A+B+C 22-1-93
COUNTER AFFIDAVIT
REJOINDER AFFIDAVIT
SUPPLEMENTARY COURTER AFFIDAVIT
SUPPLEMENTARY REJOINDER AFFIDAVIT
VAKALATNAMA
NOTICE 27-4-98
MISC.APPLICATION NO
INSPECTION APPLICATION OR ANY OTHER DOCUMENTS.....

S.O.

DR

Weeded-out on

18-10-05

Dealing Hand

[Signature]

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