

On The Central Administrative Tribunal 6
 Allahabad Bench
 Allahabad.

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CCA 158/94

Sita Rani Sharma & others In O.A. 923/93
vs Anuradha Malhotra & others

27.4.95 Hon. Mr. Justice B.C. Saksena, V.C
(8) Hon. Mr. S. Dayal, Member (A)

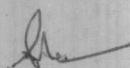
When the case was called out no one responded on behalf of the applicant. We have heard Shri D.C. Saksena, learned counsel appearing for the respondents. Shri D.C. Saksena stated that the order passed in O.A. 923/93 was ex parte and behind the back of the respondents. The O.A was allowed with a direction to the Appellate Authority to decide the appeal within two months.

The learned counsel for the respondents on the basis of a decision of the P.B reported in (1993) 25 A.T.C 825 Likhi Ram Vs. Union of India and Ors urges that we may suomoto review the order passed in O.A. 923/93. Since the said O.A was allowed without issuing notice to the respondents and a direction was given for compliance. The learned counsel fortified in his submission by the aforesaid decision, we accordingly exercising suo-moto power to review the order dated 22.2.94 passed in O.A 923/93 by a D.B consisting of Mr. R.K. Verma the then V.C and Miss. Usha Sen, A.M. As was held by a Division Bench of the P.B in the said decision that the Tribunal ought not to render any final order without giving opportunities to the parties of being heard. This is the cordial principle which the Tribunal should not violate. We, however make it clear that since, as indicated in the counter affidavit filed on behalf of Pradeep Kumar respondent no.2, the Appellate Authority has already

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passed an order on 30.11.94 and pursuant to the said order the amount of recovery against the applicant has been reduced from Rs.2040/- ~~xx~~ and the balance has been remitted to the applicant through the postal order ~~xx~~ on various dates. We consider it necessary to also observe that the recall of the judgment rendered in O.A. 923/93 will not effect the order passed by the Appellate Authority dated 30.11.94.

In view of the above, the contempt petition is dismissed. The notices issued to the respondents are discharged.



A.M.



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