

M

RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

Allahabad : Dated this 18th day of October, 1996

Contempt Petition No.174 of 1994

IN

Original Application No.1775 of 1993

District : Meerut

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. I.L. Verma, J.M.

Vijay Kumar Son of Sri Mahabir

R/o C/o Sri Rajeev Kumar,

House No.270, New Mohanpur, Meerut.

(By ^{H2}SK Mishra & Sri SD Sharma, Advocates)

. Applicants

Versus

1. Col NB Subramaniam,
Dy. Director Military Farms,
Directorate Project Frieswal,
C/o Military Farm School and Research Centre,
Meerut Cantt.
2. Lt Col JS Qadian, Officer-in-Charge,
Military Dairy Farm, East Cultivation
No.2, Mowana Road,
Meerut Cantt.

. Respondents

ORDER

By Hon'ble Mr. S. Das Gupta, A.M.

This contempt application arises out of an order dated 1-12-1993 by which a Bench of this Tribunal had disposed of OA No.1775 of 1993 in limine with a direction to the respondents to dispose of the representation dated

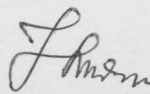
15/10/96

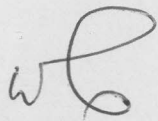
25-9-1993 of the applicant indicating reasons within a period of three months from the date of communication of the order. It has been alleged in the contempt application that the aforesaid direction had not been complied with by the respondents.

2. We have noted that the aforesaid direction was issued without giving an opportunity to the respondents to file a reply. The Hon'ble Supreme Court in the case of 1995 Director, ESI Scheme, ^{Orissa} V/s Sabita Mohanty SC 131 has recently decided that a direction given in such a situation without first giving an opportunity to the respondents to file a reply is not valid. Also in the case of Likhi Ram V/s Union of India & others (1993) 25 A. T. cases 815 the Principal Bench has decided that in such a situation the order passed by the Tribunal can be suo mot reviewed and recalled.

3. In view of the aforesaid legal position, ~~whether we~~ ~~the~~ suo moto review order passed by the Bench on 1.12.1993 and recall ^{the} order ~~can be suo mot reviewed and recalled~~ in view of the fact that this order was passed without affording an opportunity to the respondents to file a reply. The O.A. may be listed for admission on 18-11-96.

4. Since the order has been recalled, the contempt application also does not subsist and the same is dismissed..


Member (J)


Member (A)

Dube/