

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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ALLAHABAD : DATED THIS THE <sup>September</sup> 6<sup>th</sup> DAY OF AUGUST 1996

CORUM : Hon'ble Mr. S. Das Gupta AM  
Hon'ble Mr. T. L. Verma JM

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CONTEMPT APPLICATION NO. 76 OF 1995

IN

ORIGINAL APPLICATION NO. 757 OF 1994

Ram Dularey s/o Late Vanshi Lal,  
resident of village 180-C/35-A/1  
Rajrooppur, District Allahabad.

----- Applicant

C/A Sri Ram Raj

VERSUS

Sri Anirudh Kumar Jain,,  
Divisional Railway Manager,  
Northern Railway, Allahabad.

----- Respondent

ORDER

By Hon'ble Mr. S. Das Gupta AM

This contempt application has been  
filed by the applicant in O.A. No. 757/94, alleging  
non compliance with the order dated 12.5.1994 by  
which the aforesaid O.A. was disposed of.

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2. In the aforesaid O.A., applicant's case was that he was granted leave of six days from 22.10.1993 to 27.10.1993 . On expiry of leave, he could not join his duties in view of the fact that his mother fell ill and thereafter he himself fell ill and remained under the treatment in the railway hospital. It ~~was~~ stated that he was sending his leave application, supported by necessary medical certificates, but no leave salary, however, has been granted to him. This application was disposed of at the admission stage itself with the direction to the respondents to consider regularisation of period of absence beyond 27.10.1993 till he rejoined his duties by granting leave as admissible under rules.

3. Although notice was issued to the respondent, neither any one appeared on his behalf nor any Counter affidavit was filed. Thereafter on several occasions, none appeared for the applicant also. Therefore, when the case was listed before us on 23.8.1996, in view of the fact that <sup>none</sup> appeared for either of the parties, we went <sup>to</sup> the pleadings.

4. We noticed <sup>the</sup> that direction to the respondent was given without having issued notice to them, ~~earlier~~. It has recently been held by the Hon'ble Supreme Court as also by the Principal bench of the Tribunal that no substantive direction can be given to the respondents without first issuing notice to them. If such a direction is given, the order can be suo moto reviewed and recalled. Since

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in the present case a substantive direction was given without issuing notice to the respondents, we consider it a fit case for reviewing the order passed by us suomoto and we , therefore, recall this order. Let the O.A. 757/94 be listed for admission before this bench on 15.X.96

5. The contempt proceedings, however, are dropped as the Tribunal's order is being recalled. Notice~~s~~ issued is discharged. Copy of this order be kept in the O.A. 757/94.

  
J.M.

  
A.M.

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