

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD Bench

ALLAHABAD

DATED: This the 20th of September, 1996

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

CIVIL MISC. REVIEW APPLICATION NO. 108/95

IN

ORIGINAL APPLICATION NO. 956/94

Union of India and others - - - - - Applicants
C/A Sri D.C. Saxena VERSUS
Ram Baboo Pushkar - - - - - Respondent
C/R Ram Sumer Misra AND

CONTEMPT PETITION NO. 12/95 IN

Original Application No. 956/94

Ram Baboo Pushkar - - - - - Applicants
and others

C/A Sri R.S. Misra VERSUS

Union of India & others - - - - - Respondents
C/R
Sri D.C. Saxena

ORDER (ORAL)

This application has been filed by the respondents in O.A. No. 956/94, seeking review of the order dated 20.7.1994 by which a bench of this Tribunal had disposed of the aforesaid O.A. in limine with a direction to consider the representation stated to have been submitted by the applicant.

In the Review application, it has been stated that the aforesaid direction was given without affording an opportunity to the respondents to file reply to the O.A. and, therefore, order dated 20.7.1994 suffers from patent error. In a recent decision in the case of Director E.S.I. Scheme, Orissa & another V/s Sabita Mohanty reported reported in (1995) 30 A.T.C. 131, it is held

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Suprem Court

has specifically taken the view that no direction can be issued without giving opportunity to the respondents to file counter reply ^{to issue a direction} which is violative of the relevant provisions of the Administrative Tribunal Act 1985 and Administrative Tribunal (procedural rule) 1987.

3. As the aforesaid order was passed without affording an opportunity to the respondents to file any reply, the order suffers from patent error and is, therefore, recalled to its original number. List for admission on 4.11.1996.

4. Since the order has been recalled, contempt application 12/95 itself also fails. Notices issued are discharged. Copy of this order be recorded in the contempt application.

J.M.

A.M.

SOI