

16.10.1996

O.A. No.1065/95


Hon'ble Mr. S. Das Gupta AM

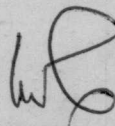
Hon'ble Mr. T. L. Verma JM

Heard learned counsel for the applicant.

This O.A. was / dismissed in default of the applicant by order dated 14.2.1996. Thereafter, restoration application was filed, but due to the absence of the learned counsel for the applicant on several occasions, restoration application was also dismissed on 28.8.1996. Now the second restoration application has been filed indicating reasons as to why the earlier restoration application could not be pressed. We have gone through the application in the O.A. This O.A. challenges the order by which the applicant has been reverted from the post of Operator to the post of khalasi helper. Order itself indicates that this was issued compliance with the direction of the Tribunal in another case. The only ground pressed by the learned counsel for the applicant is that he was not a party to the aforesaid O.A. In such a situation, the appropriate course for him was to file Review application. As this bench is having concurrent jurisdiction, with the bench which had decided the earlier O.A., we cannot enter into this dispute and pass order contrary to the order passed by other bench of this Tribunal.

In view of this, while we recall our order dated 25.3.1996 and restore this O.A., we dismiss the same on the question of maintainability as indicated above.


J.M.


A.M.

SQI