

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

R.A. NO.09/2003 IN OA 510/1995

NEW DELHI THIS 24th DAY OF MARCH 2003

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)
HON'BLE SHRI A.K. BHATNAGAR, MEMBER (J)

Girish Chandra Mishra Applicant

VERSUS

Union of India & Anr Respondents

O R D E R

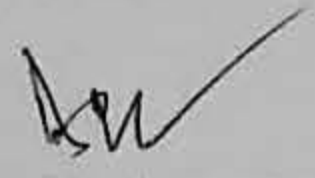
BY HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER(A)

R.A. No. 09/2003 has been filed by the applicant seeking recall and review of our order dated 10.12.2002 dismissing the OA.

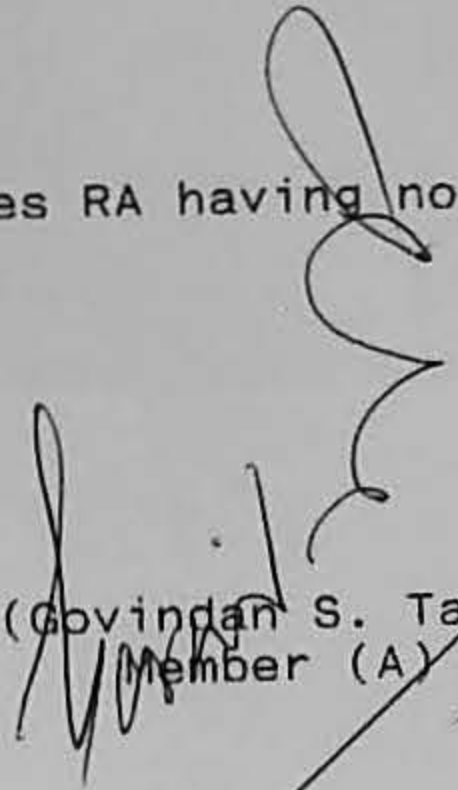
2. We have considered the matter. OA No., 510/95, filed by the applicant a retired Ex. Engineer, challenging the imposition of penalty on him, at the culmination of the disciplinary proceedings, has been dismissed by us on 10.12.2002, in terms of rule 15 of the CA (Procedure) Rules, 1987, as the applicant was not present either in person or through the counsel. The OA was dismissed on merits by a detailed order after perusing the relevant documents and after considering the pleas by the learned counsel for the respondents. The order has been passed on merits. Now the Review Applicant says that the learned counsel had been advised by the reader of the Court that the case was not likely to be taken up that day, being low down the list, which was responsible for the counsel being away when the case was called. Therefore counsel was not at fault and the OA could not have been disposed of. We do not agree. As we distinctly recall, we had sat in the Court, till the cause list was exhausted and it was the duty of the counsel to have waited.

He has tried to take shelter behind an alleged remark by the Court Reader, a junior functionary, who is the last person to have been relied upon. Learned counsel's plea that he was not at fault for the absence does not merit acceptance and is accordingly rejected. He has also attempted to re-argue the case which does not fall within the purview of section 22(3) (f) of AT Act, 1985 read with order No. 47 under Rule 1 of Civil Procedure Code. Decision of the Hon'ble Apex Court in Avtar Singh Sekhon Vs UOI & Others [1980 SC 2041] is also relevant in this matter.

3. In the circumstances RA having no merit fails and is accordingly rejected.


(A.K. Bhatnagar)
Member (J)

Patwal/


(Govindan S. Tampi)
Member (A)