

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Disposed matter

For order on Memo
(M.A.371/2001 reg.
made application of
final order filed
for consideration -
copy not served)

25/4/01 Bench

Order dated 26.4.2001

The sole applicant of O.A.263/99, finally disposed of on 30.1.2001, dismissing the O.A. has filed M.A.371/2001 for recalling the final order and to give a chance to the applicant to be heard in person. We have heard Shri D.N.Nayak, the learned counsel for the applicant and Shri A.K.Bose, learned Sr.Standing Counsel, on whom copy of the M.A. has been served. The O.A. stood posted to 30.1.2001 for regular hearing. On that day though the learned counsel for the Department was ready for hearing, none from the side of the applicant appeared. There was also no prayer for any adjournment on behalf of the applicant. Hence after hearing the learned counsel for the Department on merit, the O.A. was disposed of by dismissing the same.

Under Rule-15 of the C.A.T.(Procedure) Rules, 1987 it has been clearly provided that when a case is disposed of on merit the decision shall not be reopened ~~except~~ by way of review. Hence the present Misc.Application is not maintainable.

This apart, M.A. filed under Rule has to be filed within 30 days of the date of dismissal of the O.A. for default. Even assuming our order, sought to be recalled, is an order ~~passed~~ dismissing the O.A. for default, this Misc.Application is not maintainable, according to Rules. M.A.371/2001 is accordingly rejected.

✓/M,
VICE-CHAIRMAN
26/4/01

MEMBER (JUDICIAL)

Free copies of
Order O.A.263/99
issued to counsels
for both sides.

25/4/01 S.C(J)