

३.५.५. (प्रक्रिया) विद्यमान के विषय में के अन्तर्गत निःशुल्क प्रि
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

DATE OF ORDER : 10.8.91

M.A.No. 15/1999

IN

M.A.No. 103-A/98 (Def.) - [OA No.(Def.) 819/96]

1. Rajasthan Anushakti Pariyojna Karamchari Sangh,
Rawat Bhata through the Organisation Secretary
Shri Shiv Raj Singh S/o Late Shri Ram Bharose aged
52 years R/o SIB 26 NTO RAPP Colony, Rawat Bhata,
District Chittorgarh (Raj)

2. Shri Gurmit Singh S/o Shri Badan Singh aged 52
years, by caste Sikh R/o Rawat Bhatta, District
Chittorgarh (Rajasthan).

..... applicants.

VERSUS

1. Union of India through the Secretary to the
Government of India, Department of Atomic Energy,
New Delhi.

2. Project Director, EAPS Plant Site, Department of
Atomic Energy, Rawat Bhata, District Chittorgarh
(Rajasthan).

.....respondents.

CORAM :

Hon'ble Mr. A.K.Misra, Judicial Member

Hon'ble Mr.Gopal Singh, Administrative Member



Mr. Hemant Shrimali, Counsel for the applicants.

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PER MR.A.K.MISRA, JUDICIAL MEMBER :

Considered the M.A.

2. In this Application, the applicants have prayed for recalling the order dated 1.9.1998 passed in M.A.NO. 103-A/98(Def.). In M.A. No. 103-A/98(Def.), the applicants had prayed that office objection in respect of defects, be over-ruled and the OA be re-registered. But in absence of the applicants or their counsel, the application was considered and looking to the failure of the applicants in not removing the defects, an order was passed on 1.9.1998 that the registration of the O.A. be declined. Earlier, the applicants had moved one M.A. for recalling the order passed in O.A. on 2.7.1997 declining the registration due to non removal of defects. Initially, the O.A. was filed and certain defects were pointed-out by the registry and on failure to remove the defects one after another, orders came to be passed in the O.A. and in the M.As. as stated above. In fact on declining the registration of the O.A. on the ground of failure to remove the defects, the O.A. should have been returned to the applicant as per Rule 17 of the Administrative Tribunals Rules of Practice, 1993 without any further order. Since the step as provided in Rule 17 of the Rules, was not taken by the registry, the subsequent complication arose which is required to be set right.





3. At present, learned counsel for the applicants confines his request for following the procedure as laid down in Rule 17 of the Rules as aforesaid. Keeping in view the rule, we hereby direct that on account of failure of the applicants in removing the defects of the O.A., the Original Petition alongwith its Annexures be returned to the applicant(s) or their counsel, after obtaining acknowledgement. The present M.A. is disposed of accordingly. Copy of this order be placed along with the order-sheets of the Original Application No. (Def.819/1996).

SD/-
(GOPAL SINGH)
ADM.MEMBER

प्रमाणित सही प्रतिलिपि
17/8/98
अनुभाग अधिकारी (न्यायिक)
केन्द्रीय प्रशासनिक अधिकरण

SD/-
(A.K.MISRA)
JUDL.MEMBER

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(H.S. Somali
Advocate)
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