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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

**Misc.Application No. 123/2006 in & and
Original Application No. 247/2006**

Date of decision : 11.12.2007

Hon'ble Mr.N.D. Raghavan, Vice Chairman.

Hon'ble Mr. R.R. Bhandari , Administrative Member.

Mukesh Singh, S/o late Shri Gulab singh, aged 24 years, resident of MES colony, Sagar Road, Bikaner (Raj) Applicant father was last employed FGM in MES (GE) Bikaner.

: Applicant.

VERSUS



1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. The Chief Engineer, Headquarter, Chief Engineer, Bhatinda Zone, Bhatinda, Cant.
3. The Garrison Engineer, MES, Bikaner.

: Respondents.

ORDER

Per Mr.N.D. Raghavan, Vice Chairman.

When these cases were called up, neither the learned counsel or anybody on their behalf nor even the parties in persons, on both sides, were present before this Bench. A perusal of the record reveals that the learned counsel for the applicant was present on the previous day (i.e. on 10.12.2007) when the matter was listed and submitted by the applicant's counsel, as recorded in the order sheet, that an identical O.A and M.A were dismissed earlier and that a copy of such orders would be filed on the next day i.e. today (11.12.2007) before this Bench for perusal.

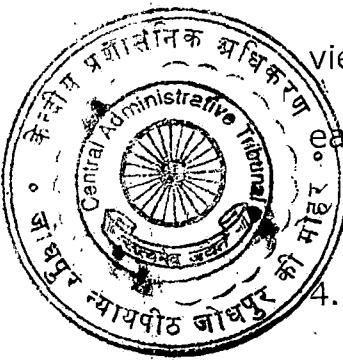
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2. Neither such orders were filed today (i.e. 11.12.2007) nor any counsel was present on both sides, either the applicant or the respondent too.

3. When it was contemplated as to why not this matter be adjourned, it ultimately struck to us that no useful purpose would be served by adjourning the cases, since the aggrieved applicant himself, through his learned counsel, submitted the previous day that both the O.A as well as the M.A could be dismissed outright in view of the fact that an identical OA as well as M.A were dismissed earlier by this Jodhpur Bench of this Tribunal.

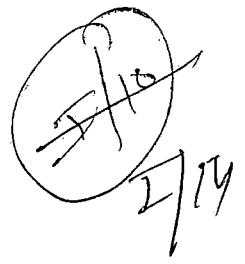


4. In order to see the details thereof, a copy of the judgements were expected to be filed but not filed till the evening of 11.12.2007. Therefore, instead of adjourning the matter, we thought it to dismiss both the OA as well as the MA as prayed for by the applicant himself through his counsel on the previous day, since it is the aggrieved, who has prayed only for dismissal of his own O.A and M.A.

5. In this view of the matter, we consider that there is nothing wrong in accepting the prayer of the learned counsel to dismiss both these applications as prayed for on the previous date. However, as the records reveal that this O.A is not yet admitted, except notices having been issued to the respondents on the point of admission, Even though reply has been filed recently and though

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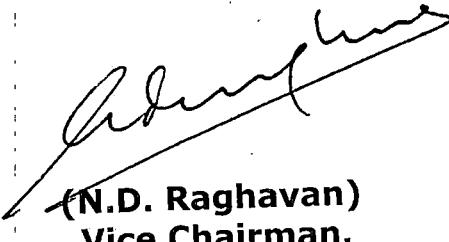

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time has been granted for filing rejoinder, these applications deserve to be unadmitted.

5. In the result, the O.A as well as the MA are dismissed in limine as above.


 (R.R. Bhandari)
 Administrative Member

jsv.


 (N.D. Raghavan)
 Vice Chairman.

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