

Central Administrative Tribunal Lucknow Bench Lucknow

O.A. 54/2009,

This, the 4th day of August, 2009

Hon'ble Ms. Sadhna Srivastava, Member (Judicial)  
Hon'ble Dr. A. K. Mishra, Member (Administrative)

Karuna Shanker Tewari aged about 37 years son of late Mangali Prasad r/o Village Malha, Post Kakori, District- Lucknow.

Applicant

By Advocate: Sri V. Raghuvanshi

VERSUS

1. Union of India through Secretary, Ministry of Information and Broadcasting.
2. Director General, Doordarshan (Prasar Bharti), New Delhi.
3. Director, Doordarshan (Prasar Bharti), Lucknow.

Respondents.

By Advocate: Sri S.P.Singh


ORDER (ORAL)


By Hon'ble Ms.Sadhna Srivastava, Member (J)

M.P. No. 1281/2009 has been filed by the applicant with a prayer to recall the order dated 7.7.2009 passed in O.A. No. 54/2009, whereby the O.A. has been dismissed in default. This application is within time. The reason shown in the application is that applicant's counsel was ill and not in a position to attend the court. The reason shown in the application is sufficient to recall the order. Accordingly, order dated 7.7.2009 is recalled. O.A. is restored to its original number. Thereafter, the counsel of parties were willing to advance arguments in the O.A. Therefore, they have been heard.

2. At the out set, the counsel for respondents raised preliminary objection that this O.A. has been filed challenging the order dated 20.2.2008, whereby the applicant has been dismissed from service under Rule 19 of CCS (CCA) Rules and no appeal against the aforesaid order has been filed by the applicant. Therefore, this O.A. is liable to be dismissed on the ground that the applicant had failed to file appeal before the appellate authority. Counsel for applicant Sri A.C. Mishra seeks permission to withdraw this O.A. with liberty to file the appeal before the appellate authority. In case the appeal is filed by the applicant within 15 days hereby, in turn, the same shall be considered and decided by the appellate authority by reasoned and speaking order without considering the question of limitation.

3. O.A. is accordingly disposed of without any order as to costs.

  
(Dr. A.K. Mishra)  
Member (A)  
HLS/-

  
(Ms. Sadhna Srivastava)  
Member (J)