

RA 29/02  
(CA 615/96)

1  
12.12.02

CM

None for the parties. List it on 9.1.2003  
for hearing.

*Shyama Dogra*

(Shyama Dogra) M(J)

*L.R.K. Prasad*  
(L.R.K. Prasad) M(A)

XXX (\*\*\*\*)

2./ 9.1.2003. This RA is so preferred for review of the order passed on 26.2.2002 in OA 615/96, and the RA has been filed on 22.3.2002 itself. The said RA was disposed of by XXX Hon'ble V.C. sitting with Hon'ble Shri L.R.K. Prasad M(A). Be listed on 17.1.2003 for hearing.

*1/CBS/*

(B.N. SINGH NEELAM)/V.C.

*26/6/02*  
3/17.1.2003

The applicant on the last occasion had appeared in person. No one appears on behalf of the applicant today. The bench has already been constituted. Be listed for hearing on 31.1.2003.

*(L.R.K. Prasad) M(A)*

*(B.N. Singh Neelam) /VC*

4/31.01.2003 : None for the applicant.

Mr. H.P. Singh, ASC for the respondents.

The 1st ASC for the respondents submitted that the memo of appeal so filed by the applicant against the order of the disciplinary authority, has been disposed of by the appellate authority and the punishment so awarded by the disciplinary authority has been affirmed by the appellate authority. That being the position, this R.A. is not maintainable as he has to file a fresh O.A. against the final order.

By way of last chance, list it on 28.02.2003 for hearing. If no-one appears on behalf of the applicant on the next date, necessary orders shall be passed.

*skj*

*(L.R.K. Prasad) M(A)*

*(B.N. Singh Neelam) /VC*

RA- 29/2002

5./ 28.2.2003. For want of D.B., list it on 4.4.2003  
for hearing.

Supplementary  
Application  
filed on  
21/1/03

/CBS/

(B.N. Singh Neelam)/V.C.

S/21/1/03

6/12.5.03. For want of D.B., be listed  
for hearing on 1.7.03.  
*for hearing on 1.7.03.*  
*(S.Jha) m(A)*

2/2

7.11.7.03. For want of time be listed for  
hearing on 9.9.03.

*for hearing on 9.9.03.*

2/2

(S.Jha) m(A) (B.N. Singh Neelam) V.C.

8/9.9.03. Be listed on 20.10.03

for hearing, as prayed for.

*(S.Jha) m(A)*

(B.N. Singh Neelam)  
V.C.

9/20.10.2003

As prayed for, let it be listed for  
hearing on 5.1.2004.

MPS.

(M.Jha) /M(A)

(B.N. Singh Neelam) /VC

10/5.1.04 Put up before the Hon'ble V.C. for  
constituting the fresh Bench to hear  
this RA.

S.R.G.

(M.Jha) /M(A)

*Shyam Dogr*  
(S. Dogra) /M(J)

11/16.01.2004 : A Division Bench of Vice-Chairman (self) and Hon'ble Mr. Mantreshwar Jha, M(A), is constituted for hearing on 23.01.2004.

skj

(B.N.Singh Neelam)/VC

12/23.01.2004 : None for the applicant.

Mr. H.P.Singh, ASC for the respondents.

The matter is called out. It transpires that the applicant used to appear in person in connection with this R.A. so filed in connection with the order so passed on 26.02.2002 in OA 615 of 1996 in which a Division Bench of Vice-Chairman (Self) and Hon'ble Mr. Mantreshwar Jha, M(A) has already been constituted vide order dt. 16.01.2004.

Mr. H.P.Singh, the 1st. ASC appearing on behalf of the respondents has submitted that by the plain reading of the order dt. 26.02.2002 passed in OA 615 of 1996, against which this R.A. has been preferred, it will come in light that the matter was simply referred to the concerned respondent to dispose of the matter within the stipulated time period and thus, on no account the order passed by this Bench can be said to be an order suffering from any illegality. However, if in any way the applicant feels aggrieved as per the direction so given by this Bench while disposing of OA 615 of 1996, door was open to him to file fresh OA which he has not filed so far. In that light, it is submitted that this R.A. so filed has no leg to stand.

In the background of the facts and circumstances of the case, we do not find any merit in the R.A. so filed which stands dismissed. With regard to the M.A. so filed for condoning the delay in the filing the R.A., the same also got disposed of accordingly.

(Mantreshwar Jha)  
Member(A)

(B.N.Singh Neelam)  
Vice-Chairman

skj