

A-A-10/02 in O.A. 311/96

8.2.02

Shri A. Srivastava..for the applicant

This review petition has been filed for reviewing the order passed in O.A.311/96 on 2.6.2000. The said order was passed by a Bench consisting of Hon'ble Mr.L.Jha, Member (J) and Hon'ble Shri L.Hmigliana, Member (A). Since the said Bench is not available, it would be appropriate to place the matter before the Hon'ble Vice-Chairman to constitute a Bench for placing the same before that particular Bench. Place it before the Hon'ble Vice Chairman for constituting the Bench.

*Shyama Dogra*

(Shyama Dogra)

M(J)

*L.R.K. Prasad*

(L.R.K. Prasad)

M(A)

2/18.07.2002 : A Division Bench of Hon'ble Vice-Chairman (Self) and Hon'ble Mr. Sarweshwar Jha, Member(A) is constituted for hearing on 29.07.2002.

skj

(B.N.Singh Neelam)/VC

8xx

3/2.8.2002

AS CAT Bar Association is on strike, let it be listed for hearing on 16.8.2002.

*S. Jha*  
(S. Jha)/M(A)

(B.N.Singh Neelam)/VC

4/16.8.2002 For want of time, be listed on 28.8.2002 for hearing.

*S. Jha*

sks

(S. Jha)/M(A)

(B.N.Singh Neelam)/VC

balh  
in Hovle  
Members  
who  
disposed  
of O.A.  
311/96  
have  
already  
retired.

5/28.8.2002 For want of time, be listed for  
hearing on 20.9.2002.

*[Signature]*

sks

( S. Jha )/M(A) ( B.N.Singh Neelam )/

This  
matter  
has been  
filed  
pursuant  
to liberty  
granted  
to file  
review  
by Hon'ble  
Patna  
High Court  
2002

6/20.09.02

The ld. counsel Shri Sekhar Singh  
appearing on behalf of the respondents informs  
that review Bench ~~xxxx~~ has since been constit  
Let it, therefore, be listed before the same B  
on 04.10.2002 for hearing.

*[Signature]*

srk

(Shyama Dogra)/M(J)

*[Signature]*  
( Sarveshwar J

9/4.10.2002  
*[Signature]*  
18/7/02

Heard Shri Amit Srivastava, ld. counsel for  
the applicant filing this R.A. against the order  
passed in O.A. 311/96, which was so disposed of  
2.6.2000, a copy of which is filed marked as A.  
Reference is also made to the order passed by  
Hon'ble High Court, Patna in C.W. J.C. No. 7371/  
which is dated 9.1.2002 (Annexure-1).

Requisites  
filed on  
9/10/02 with  
postal stamp  
of Rs. 40/-  
cced.

Issue notices to the respondents made  
returnable within six weeks. Rejoinder if any  
may be filed within a week thereafter. Requisite  
to be filed within a week. Be listed for hearing  
on 16.12.2002.

*[Signature]*

( Sarveshwar Jha )/M(A)

( B.N.Singh Neelam )/

9/11/02  
MPS.  
Notice issued  
on 14/11/02

8/16.12.2002 : Both sides are present.

At the request of Ld. Addl. Standing Counsel  
for the respondents, be listed on 06.02.2003 for

skj

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

(B.N.Singh Neelam)

RA 10/02


9

6.2.03

CM

Be listed on 27.3.2003 for hearing.

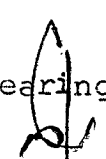
  
(L.R.K. Prasad) M/A

  
(B.N. Singh Neelam) VC

10/27.03.2003 : None for the applicant.

Be listed on 30.05.2003 for hearing.

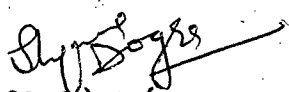
skj

  
(B.N. Singh Neelam) VC

10/30.5.03.

CM

Adjournment is given by way of last chance.  
Let it be listed on 4.7.2003 for hearing. W.S.  
to be filed by the next date.

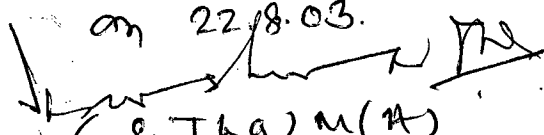
  
(S. Dogra) M/J


  
(S. Jha) M/A

1/47.03.

Be listed for hearing

on 22.8.03.

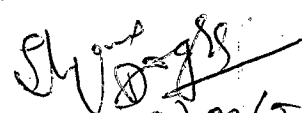
  
(S. Jha) M(A)

  
(B.N. Singh Neelam) VC

12/22.8.03

Be listed on 1.9.03 for  
hearing.

CDS

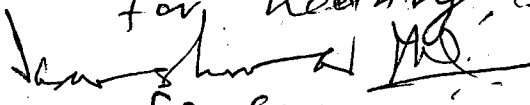
  
(S. Dogra) M(J)

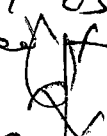
13/1.9.03

Be listed on 22.9.03

on

for hearing, as prayed for.

  
(S. Jha)

  
(B.N. Singh Neelam) VC

13/22.09x2003 : Shri A.Srivastava, counsel for the applicant.

The L/c for the applicant has submitted that till today show cause has not been filed by the respondents' side. Mr. D.K.Jha, the ld. ASC has submitted that since in the cause list his name has not been shown he could not mark the case and has not brought the file. However, he has undertaken to file reply by the next date.

With the consent of the parties, be listed on 17.10.2003 for hearing. Since the matter has been remanded by the Hon'ble Patna High Court, the L/c for the applicant is directed to remind the Bench on the next date for giving priority to this matter.

*[Signature]*  
(S.Jha)/M(A)

*[Signature]*  
(B.N.Singh Neelan)/VC

skj

14/12-10-03 Be listed  
for hearing on  
28-11-03.

S/R S

(B.N. Singh Neelan)  
VC

15/15.12.03

None for the applicant  
Shri D.K.Jha, ASC for the respondents

DB not available. Be listed on  
16.1.2004 for hearing.

*[Signature]*  
(M.Jha)(M(A))

SRM

Counter Affidavit  
Filed on  
14/10/03  
R.No-1  
S.W.  
16/10/03

As mentioned  
it to be  
on 15/12/03  
BW  
12/12/03

RA - 10/02

20/5-5-04 Due to sudden demise of Hon'ble Shri Justice T.P. Singh, sitting Judge of Hon'ble Patna High Court, the advocates have resolved not to attend court work as a mark of respect to the departed soul. Therefore, the case is adjourned to 21/5/04 for hearing

SRS

(M. Tha)  
M(A)

(S. Dogra)  
M(2)

21/21.5.04.

None for the applicant. AB matter.  
List it for hearing on 30.8.04.

(M. Tha) M(A)

72

PVC

A) A fresh Bench Division Bench is required to be constituted on terms of the C.O. rules of Practice 1993 for preliminary hearing.

Hon'ble member (J) & HOD may like to constitute  
a D.B. for <sup>preliminary</sup> hearing of the above RA as proposed  
at A.

D. Doshi  
20/7/10.

21.07.2004

skj

(Shyama Dogra) / M(J)

binder  
 Filed on  
 2/5/8/04

2-4/9/04

RA-10/02

22/17.9.04

shri A. Srivastava..for the applicant

shri Arvind Kumar..for the respondents

It is stated by the learned counsel for the respondents that no W.A. has been filed by respondent nos.3 and 4, that, is state of Bihar, in spite of the fact that notices were issued to them on 4.12.2002 and last chance was granted on 30.5.2003.

2. Other respondents have already filed W.S. therefore, in the interest of justice one more chance is granted to respondent nos.3 and 4 to file W.S. ~~within a~~ period of three weeks failing which the matter will be decided on the basis of material available on record. The learned counsel for the applicant also undertakes to inform the learned standing shri B.N.Yadav, for the state of Bihar in this regard. List this case on 10.12.04 for hearing.

(M.Jha) M.A.

(S.Dogra) M.J.

23/10.12.2004 : JC to Shri A.Srivastava, is present.

At the request of counsel for the applicant, list it on 27.01.2005 for hearing.

(S.Dogra) M(J)

(S.Jha) M(A)

skj

24/27.1.2005

Shri Girish Pandey, vice counsel for the applicant prays for and is allowed a short adjournment in this case. List it for hearing on 7.3.2005.

MPS.

(M. Jha) / M(A)

(S. Dey) / M(J)

25/7.3.2005

Shri A. Srivastava, counsel for the applicant.  
Shri R. Kumar, ASC for the respondents.

With mutual consent, let it be listed for hearing on 7.4.2005.

MPS.

(S. Srivastava) / M(J)

(M. Jha) / M(A)

26/7.4.05

Counsel for the applicant is present. place it before the Hon'ble V.C. in Chambers for constitution of fresh Bench.

(S. Srivastava) / M(J)

(M. Jha) / M(A)



RA 10/02  
COA 311/96

PUC

The Review petition has been filed against order passed on 2.6.2000 in COA 311/96 by a Division Bench consisting Hon'ble Mr. Lakshman Jha, M(A) and Hon'ble Mr. L. Hingliam M(A).

In terms of Rule 3 of Rule 49 (Appendix IV) of the C.A.T. Rules of Practice 1993, a Division Bench is required to be constituted for preliminary hearing on review.

Submitted before Hon'ble V.C. in chambers for perusal and orders please.

28/4/05

Hon'ble V.C. may be pleased to constitute a D.B. for preliminary hearing of the above R.A. 10.10/02 in COA 311/96 as proposed at A. A. Dada  
28/4/05.

By Registrar

Hon'ble V.C. :

18.05.2005 : In terms of Appendix IV Rule I (3) of the CAT Rules of Practice 1993, A Division Bench of Vice-Chairman (self) and Hon'ble Mr. Mantreshwar Jha, M(A), stands constituted for preliminary hearing of this R.A. on 24.05.2005.

(P.K. Sinha)/VC

skj

25.5.05 The case is called out, but ~~when~~/no one appears on behalf of the applicant.

Shri D. Surendra, learned Additional Standing Counsel for the Respondents Nos. 1 & 2 is present whereas Shri B.N. Yadav, SC for the Respondents Nos. 3 & 4 <sup>also</sup> is present. Therefore, we have perused the record ourselves and the learned counsel for respondents ~~who~~ have been heard. They submit that there is no lacuna <sup>or</sup> ~~and~~ defect in the order passed in OA-311 of 1996 against which this application has been filed.

2. This is an application for review in order passed by this Tribunal in OA-311 of 1996 pointing out certain lacunas in that order. Objections taken are, <sup>am</sup> ~~that~~ the points made out are <sup>such which could</sup> ~~that some points~~ have ~~not~~ been argued when the aforesaid OA-311/96 was being disposed of. Lacunas as pointed out in our opinion <sup>are</sup> ~~is~~ not such which would compell ~~this~~ this Tribunal to review the order as recorded in OA-311/96 which is <sup>a</sup> well discussed in the order. Moreover this application has been filed on 5.2.02 whereas the order in the concerned OA was recorded on 2.6.2000. Obviously the application is time barred under rule 17 <sup>a</sup> of the CAT (Procedure) Rules ~~prohibited~~ wherein it has been stated <sup>that</sup>

"No application for review shall be entertained unless it is filed within 30 days from the date of receipt of a copy of the order sought to be reviewed."

It appears that certified copy of the order in the concerned OA was ready as back as on 4.7.2000. On this ground also this Review Application would fail. Accordingly, this Review Application is dismissed.

sks

( M. Jha )/M(A)

(P.K. Sinha )/VC