

RA 10/2009 (04667/05)  
Dated : 2<sup>nd</sup> December, 2009

Shri A.N. Jha, Id. counsel for the applicant.  
None for the respondents.

**ORDER [ ORAL ]**

On the call out of the case, Shri A.N. Jha, Id. counsel for the applicant is present. Heard Shri Jha. During the course of hearing, the Id. counsel for the applicant submitted that certain documents were not filed by the departments and in the absence of those documents, this Tribunal heard the O.A. and passed orders. He submitted that this Tribunal should have given the benefit of non receipt of those documents in favour of the petitioner but the benefit was not given to him. He further argued on the merit of the case. He, therefore, submits that the RA be heard.

2. From the submissions made by the Id. counsel for the applicant, we are of the opinion that the Id. counsel for the applicant was arguing on the merit of the case for which appeal lies. So, this RA is dismissed at the admission stage itself with the liberty to the applicant to file appeal.

  
[ Sudhir Kumar ]M[A]

  
[ Anwar Ahmad ]M[J]

mps.