

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.A.No.36/95

Dt. of order: 19.4.1995

Anil Adhikari

: Applicant

Vs.

Union of India & Ors.

: Respondents

CORAM:

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.O.P.SHARMA, MEMBER (ADM.).

In this review application Shri Anil Adhikari has prayed for a review of the order passed by me in O.A.No.10/95 on 17.1.95, sitting as a Single Member and has made certain other prayers therein.

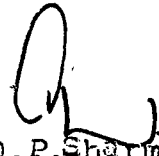
2. O.A.No.10/95 regarding recovery of penal rent from the applicant and other related matter was listed before me sitting as Single Member. The O.A. was dismissed by order dated 17.1.95 at the admission stage, as it was not considered necessary to issue notices to the respondents before disposing of the O.A. The applicant has sought review of the order passed by me on various grounds which are mainly related to the merits of the case.

3. The power to hear and dispose of an O.A. by a Bench consisting of a Single Member is derived from sub-section (6) of Sec.5 of the Administrative Tribunals Act, 1985. Such power can be exercised by a Single Member on being authorised by the Chairman to do so, in respect of such cases or classes of cases as may be specified by the Chairman by a general or special order. Under the said sub-section of Section 5, the Chairman has issued order No.1/32/87-JA/2169(A) dated 21.3.88 authorising all Members of the Central Administrative Tribunal to function as a Bench consisting of a Single Member and to exercise jurisdiction in respect of cases or of classes of cases specified in the said order.

4. The subject matter of the O.A. filed by the applicant was fall within the list of cases mentioned in the said order dated 21.3.88 passed by the Chairman.

5. However, in para 2 of the said order dated 21.3.95, it has been stated that all the cases specified in the list contained in para 1 of the order shall be posted for admission before a Single Member Bench. It has been added in the said order that if the Single Member Bench is of the view that any such case is not fit for admission, it shall order such case to be posted before a Bench of two Members. In another words, if the Single Member Bench^{is} of the view that the case is not fit for admission, he cannot dismiss it at the admission stage. In view of this order of the Chairman, dismissal of the O.A. filed by the applicant at the admission stage by me sitting as a Single Member Bench was not justified in law. In these circumstances, the order dated 17.1.95, dismissing the O.A. at the admission stage is liable to be reviewed. The order is accordingly recalled.

6. The O.A. is now restored to its original position. It shall be listed for admission before a Division Bench by the Registry.


(O.P. Sharma)
Member (Adm.).