

FORM NO. @
(See Rule 42.)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. _____

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) _____

Respondent(S) _____

Advocate for the Applicants Mr. S. Sarma, Miss B Devi

Advocate for the Respondent(S) Mr. M. V. Ahmed ✓ CGSC
Add. CGSC Rly St. Counsel

Notes of the Registry Date _____ Order of the Tribunal _____

This Review petition has been filed by the Counsel for the applicant U/s 22(f) of the Administrative Tribunal Act, 1985 for reversing the order dated 3.8.2005 passed by the Honble Tribunal in M.P. 107/05.

and before the Honble Court for further order.

Section Officer

For circulation

20/12/05

Honble

This Review Application is filed seeking for deletion of the names of Respondent Nos. 3 & 4 in the O.A. and in the M.P. The applicant during the pendency of the O.A. has filed the M.P. No. 107 of 05 seeking to delete the names of Respondents 3 & 4 in the O.A. The O.A. and the M.P. were taken up for hearing on 27.7.05. and the judgment was delivered in the O.A. on 3.8.05. By an inordinate omission the order was passed in M.P. 107 of 05 on 3.8.05 as follows:

"In view of the order passed in O.A. No. 13 of 05 the M.P. is disposed of."

The fact that the M.P. is for deletion of names of Respondents 3 & 4 from the cause title in O.A. No. 13 of 05 ^{was} to be ^{be noticed} omitted the name. The applicant wants deletion of the Respondent No. 3 & 4 from the cause title of O.A. and in the judgment thereon. We set aside the order dated 3.8.05 passed in M.P.

Contd.....

Post before the
next DB

20.12.05

No. 107 of 05, to restore the M.P. to file and allow the same by asking deletion of the name of the Respondent Nos. 3 & 4 in O.A. No. 13 of 2005 and in the judgment dated 3.8.05 delivered in the O.A.. Necessary correction will be made in the order of the O.A.

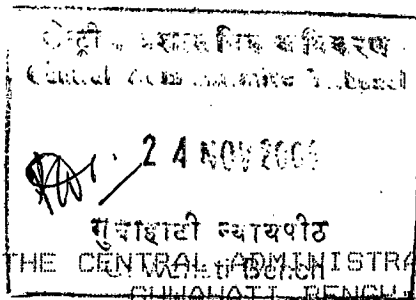
Review Application is disposed of as above.

Member

Vice-Chairman

16.1.06

C.C. of the order has been collected by the applicant and a copy of the same has been sent to the office for entering the same in the ADD. C.G.C.



*Filed by -
The Applicants
Through
Bomdona Dasi
Advocate*

24.11.05

R.A. NO. 12 OF 2005.

in M.P. NO. 107 OF 2005.

in O.A. NO. 13 OF 2005.

Sri, Prafulla Ch Hazarika & ors.
... Applicants.

- VS -

Union of India & ors.
... Respondents.

IN THE MATTER OF.

An application under Section 22 (f) of
the Administrative Tribunal Act, 1985 for
reviewing the order dated 3.8.2005 passed
in M.P. No 107 of 2005.

AND

IN THE MATTER OF.

O.A No 13/05.

1. Shri Prafulla Ch. Hazarika.

At present working as Stenographer,
Defense Estate Office. Guwahati Circle.
Guwahati-3.

2. Shri Munindra Sarker,

At present working as LDC,
In the Office of the Asstt. Defense
Estate Officer, Abhaynagar, Agartala,

3. Shri Jiban Dhan Bhattacharjee.

At present working as LDC,

Office of the Asstt. Defense Estate

Officer, Abhaynagar, Agartala, Tripura.

..... Applicants.

AND

1. Union of India, Represented by the
Secretary to the Govt. of India,
Ministry of Defense, South Block,
New Delhi.

2. Union of India, Represented by the
Secretary to the Govt. of India,
Ministry of Finance, North Block,
New Delhi.

3. The Director General, Defense Estate,
Govt. of India, Ministry of Defense,
R.K. Puram,

4. The Principal Director,
Defense Estate, Eastern Command,
13th Camae Street.
7th floor. Kolkata. 17.

5. The Controller General of Defense
Accounts, R.K. Puram, Sector-I,
New Delhi-66.

6. The Controller of Defense Accounts,
Udayan Bihar, Narangi.
Guwahati-781171.

7. The Area Accounts Officer.
River Road, Shillong.

The humble application on behalf of the applicants abovenamed ;

MOST RESPECTFULLY SHEWETH;

1. That the review applicants in the above OA as applicants made prayer for payment of SDA in terms of the Govt. circulars. The Hon'ble Tribunal was pleased to dispose of the said OA directing the respondents to make payment of SDA to the applicants in the light of the earlier judgment rendered in the subject.

2. That the applicants during the pendency of the said OA preferred a Misc Case praying for deleting the names of the Respondents Nos 3 (The Director general defense Estate) and 4 (the Principal Director, Defense Estate). The said Misc Case was in fact listed along with the OA and the Hon'ble Tribunal at the time of hearing of the case was pleased to allow such deletion of the names of the respondents Nos 3 and 4. But at the time of obtaining the certified copy of the order dated 3.8.05, it revealed that the said Misc Case has been disposed of in view of the disposal of the OA.

A copy of the said order dated 3.8.05 is annexed herewith and marked as ANNEXURE-A.

3. That it is under the peculiar fact situation of the case, the applicants have filed this Review application praying for reviewing the order dated 3.8.05 passed in M.P. No 107/05 as well as the order passed in the OA deleting the names of the respondents No 3 and 4.

4. That this application has been filed bonafide and secure ends of justice.

In the premises aforesaid it is most respectfully prayed that Your Lordships

- 4 -

would graciously be pleased to pass an appropriate order deleting the names of the respondents No 3 and 4 from the orders passed in the Misc Case as well as in the OA and /or pass any such order/orders as may be deemed fit and proper considering the facts and circumstances of the case.

And for this act the review applicants in duty bound shall ever pray.

VERIFICATION

I, Shri Prafulla Ch Hazarika, aged about 45 years, son of Late K. Hazarika, at present working as Stenographer Gr III, in the office of the Defense Estate Office, Guwahati Circle, Guwahati-3, do hereby solemnly affirm and verify that the statements made in paragraphs ¹ are true to my knowledge and those made in paragraphs ... ^{2 and 3} are true to my information derived from the records and the rests are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 24th day of Nov 2005.

Signature.

Prafulla Ch. Hazarika

ORDER SHEET

Original Application No. _____

Misc. Petition No. _____

Contempt Petition No. 107/05 M.O.A 13/05

Review Application No. _____

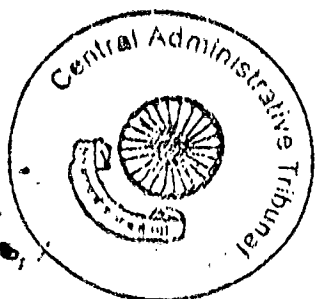
Applicants. Prafulla Chandra Hazarika & Co.

Respondents. U.O.T. GUNS

Advocates for the Applicant. S. Sarma, Banatara Sen

Advocates for the Respondents. Care

Notes of the Registry	Dated	Order of the Tribunal
	14.6.05	Post on 21.6.05 alongwith D.A. 13/05.
	pg 21.06.2005	<div>sd/ Member</div> <div>sd/ Vice-Chairman</div> <p>Post on 19.7.2005 alongwith the O.A.</p>
	bb 19.7.2005	<div>sd/ Member</div> <div>sd/ Vice-Chairman</div> <p>List alongwith the O.A. on 27.7.2005.</p>
	nlon 27.7.2005	<div>sd/ Member</div> <div>sd/ Vice-Chairman</div> <p>Heard learned counsel for the parties. Hearing concluded. orders reserved.</p>
	mb	<div>sd/ Member</div> <div>sd/ Vice-Chairman</div>



Attended
By
Advocate

3.0.2008

In view of the order passed
in O.A. 13/2005, the M.P. is
disposed of.

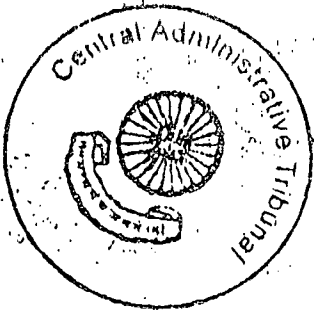
Sd/—

Member

Sd/—

Vice-Chairman

mb



Date of Application : 17.11.05
Date on which copy is ready : 12.11.05
Date on which copy is delivered : 17.11.05
Certified to be true copy

N. S. Sood
17-11-05
Section Officer (J. dt)
C. A. T. - Jhansi Bench
Gwalior

17/11/05