

Central Administrative Tribunal Principal Bench, New Delhi

RA No.147/2016

In

OA No.1608/2012

New Delhi, this the 24th day of March, 2017

Hon'ble Mr. P.K. Basu, Member (A)

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

1. Secretary
Railway Board
Railway Bhawan, New Delhi.
2. General Manager,
Northern Eastern Railway,
Gorakhpur (UP)
3. Divisional Railway Manager,
Northern Eastern Railway,
Izatnagar

(By Advocate: None)

Versus

1. Arvind Mohan Saxena,
S/o Shri Chandra Prakash Saxena
Sr. Booking Clerk,
North Eastern Railway, Kasganj.
2. Rakesh Babu
S/o Shi Ram Chandra Singh,
DCI, Izatnagar,
Rly. Colony Kushi Ramnagar, UP
3. Rajesh Singh,
S/o Shri C.K. Singh,
DCI, PBE, R/o T/12A, Railway Colony,
Pilibhit.
4. Chandra Prakash Sahu
S/o Late Shri Umrai
Sr. BC/ PBE,
E/27C, Railway Engg. Colony,
Pilibhit-262001. Review Respondents

(By Advocate: Mr.Rahul Pandey)

ORDER (ORAL)**Hon'ble Mr. P.K. Basu, Member (A):**

None appeared on behalf of the applicants (review respondents) on the last two dates i.e. 21.02.2017 and 06.03.2017. Learned counsel for review applicants has appeared and drawn our attention to the order dated 01.08.2012 (Annexure RA-3) passed by the Tribunal in OA No.1608/2012 whereby the interim order granted on 11.05.2012 was vacated. The operative part of the said order reads as follow:-

"Respondents have filed reply affidavit wherein it has been stated that the examination for the post of Goods Guard has already been conducted on 8.4.2012 and the results have also been declared on 11-12/4/2012 before the interim order was granted on 11.05.2012. The respondents have also annexed results of written examination along with reply affidavit as Annexure R-2. In view of what has been stated above we are of the view that interim stay granted on 11.05.2012 shall stand vacated."

2. We find that the above order is being pointed out by the counsel for the review applicants at this stage when the present RA has been taken up for hearing. Learned counsel has submitted that unfortunately, as he was represented through proxy counsel at the time of hearing of the OA. This fact could not be pointed out and the matter was decided *ex parte*.

3. In view of the fact that the interim relief granted vide order dated 11.05.2012 got vacated on 01.08.2012 (Annexure RA-3) and also that none is present on behalf of the applicants (review respondents), this Review Application is allowed by recalling the order dated 17.05.2016 and the OA is restored to its original number to be listed for hearing on 16.05.2017.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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