

29.12.2003

15.

MA 2499/2003 in  
CP 353/2003  
OA 2175/2003

Present : Shri G.D.Gupta, learned senior counsel for the applicant.  
Shri Mohit Madan, learned proxy counsel for Mrs Avnish Ahlawat, counsel for the respondents.

Heard learned counsel in MA 2499/2003.

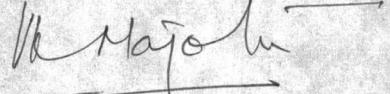
2. This MA has been made on behalf of the applicant seeking recall of " ex parte order dated 24.11.2003 of this Tribunal in CP 353/2003 and MA 2220/2003 and MA 2212/2003". It has been stated that applicant's counsel being busy in the High Court " could not reach even after the second call and only learned counsel for the respondents was heard and the matter disposed of ex parte". Learned senior counsel Shri G.D.Gupta, admitted that applicant has made wrong statement in this MA inasmuch as that the applicant herself was heard when her counsel could not reach despite revised call and that the matter was not disposed of ex parte. Basically in view of this admission this MA deserves not to be considered at all and should be dismissed at the outset. However, learned counseel stated that although the applicant would move as per the directions of this Tribunal contained in order dated 24.11.2003, directions should be issued in the interest of justice to the respondenets to allow the applicant to join the new School where she has been transferred. Learned proxy counsel of the respondents in the OA, Shri Mohit Madan states that respondents have no objection if applicant joins at the new School where the applicant has been transferred.

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3. Learned counsel of the applicant Shri G.D.Gupta, also stated that as lot of time has elapsed since the applicant has been ordered to be transferred to join a new School, the entire period should be regularised. In this behalf, the applicant would make a comprehensive representation as directed vide order dated 24.11.2003 and the respondents would, in any case, take a view as per law, rules and instructions on the subject, ~~though~~ <sup>and</sup> there is no need for the Tribunal to pass any order of regularisation of the period of applicant's absence at present. Accordingly, without prejudice to applicant's right in terms of order dated 24.11.2003. MA 2430/2003 is disposed of as above.

  
( Bharat Bhushan )  
Member(J)

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( V.K. Majotra )  
Vice Chairman(A)