

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.558/2019

Date of Decision: 30<sup>th</sup> December, 2019

**CORAM: R. VIJAYKUMAR, MEMBER (A)**

Shri Girish S. Prabhu,  
Rtd. Age-62 yrs.  
B/505, Vasant Prakash CHS Ltd.  
Opp. Amarnath Tower, Off. J.P. Road,  
7<sup>th</sup> Bungalow, Andheri (West),  
Mumbai - 400 061. . . . . **Applicant**

**(By Advocate Ms. L.B. Patne)**

Versus

1. Union of India through Secretary  
Government of India,  
Ministry of Defence, South Block,  
New Delhi - 110 011.
2. The Flag Officer Commanding in  
Chief Headquarters, Western Naval  
Command Shahid Bhagat Singh Road,  
Mumbai - 400 001.
3. The Chief of Naval Staff  
Integrated Headquarters  
Ministry of Defence (Navy)  
C-Wing, Sena Bhawan,  
New Delhi - 110 011.
4. The Chief Staff Officer (P&A)  
Headquarters, Western Naval Command,  
Shahid Bhagat Singh Road,  
Mumbai - 400 001.
5. The Director  
Principal Controller of Defence  
of Accounts (Navy) (Pay Section)  
No.1, Cooperage Road,  
Mumbai - 400 001.
6. The Base Victualling Officer  
Base Victualling Yard,  
Dr. Homi Bhabha Road,

Near Afgan Church,  
Colaba, Mumbai - 400005. ... *Respondents*

ORDER (ORAL)

When the case was called, learned counsel for the applicant has again preferred a leave note stating that she is unable to attend because she is out of station for Christmas vacation.

2. This Original Application has been filed on 31.07.2019 and no action has been taken by the applicant or his counsel for being heard for admission. During review of pending diary marked applications, this paper was detected and was directed to be placed for hearing on 09.12.2019 when learned proxy counsel appeared and left a leave note stating that the counsel was not well. The contents of the OA and unclear documents annexed were observed during this hearing and a final opportunity was given for applicant and his counsel to set right the matter before the next hearing on 16.12.2019.

3. On 16.12.2019, learned counsel for the applicant again sent a leave note and was represented by learned proxy counsel but he was not briefed on the matter including on

the unclear documents in the OA that were to be replaced suitably or attested copies provided. Attention was also drawn to the manner in which a large number of respondents had been impleaded and for which the applicant and his counsel could review and limit to necessary parties. Further final opportunity was given to consider admissibility on 30.12.2019.

4. When the case was called today, nobody appeared for the applicant. It is also seen that the applicant has retired in July, 2017 and is also not present today nor was he present during the earlier hearings.

5. Faced with the persistent absence of applicant and his counsel, such matters cannot be allowed to prolong and it is not possible to decide such matter without requisite interest being shown by the applicant and his learned counsel.

6. Hence, this Original Application is dismissed in default for non-prosecution. We are not inclined to impose costs in the circumstances mentioned above.

(R. Vijaykumar)  
Member (A)

