

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA NO. 86/2004
MA NO. 569/2004
OA NO. 2345/1994.

This the 19th day of March, 2004

HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. S.A.SINGH, MEMBER (A)

Sunil Kumar
s/o Sh. Bameswar
R/o C/o M/S Hava, General Store,
Village Lodo Sarai,
Mehrauli, New Delhi.

(By Advocate: Sh. T.D.Yadav)

Versus

1. General Manager (Canteen)
Lok Nayak Jai Prakash Narain Hospital,
New Delhi-110002.
2. Dy. Medical Superintendent Cum
Director (Administration)
Lok Nayak Jai Prakash Narain Hospital,
New Delhi-110002.

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this RA seeking review of the order passed in OA-2345/1994 which was decided on 26.7.99. RA has been filed on 27.2.2004 that means more than 4 years have been taken by the applicant after the judgment in the OA was pronounced to file this RA. Applicant, therefore, filed an application seeking condonation of delay.

2. In the application seeking condonation of delay applicant alleges that OA was dismissed by this Tribunal in the absence of both sides of the counsel. He further says that his counsel had not attended the Court on various dates in the year 1995, i.e. on 31.5.95, 6.7.95, 9.8.95 and 6.9.95, whereas the applicant had been regularly contacting his counsel from July 1999 to January, 2004 to enquire his case

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but the Advocates of the applicant were continuously telling that case is pending before the Court and told the applicant that he will be informed immediately when the case would be decided by the Tribunal and it is now applicant has come to know that the case of the applicant was dismissed in the absence of the counsel.

3. A complaint is also stated to have been made to the Bar Council for taking necessary legal action against the lawyers who had filed the case. It is further submitted that as per the law laid down by the Hon'ble Supreme Court a Govt. employee cannot be made to suffer for fault on the part of his lawyer.

4. We have heard the learned counsel for the applicant and gone through the record.

5. The only plea taken by the applicant is that since his counsel had not been attending the case and had also been keeping him in dark, so he has been deceived by his counsel. Therefore, delay should be condoned and review application should be heard and thereafter the case be decided on merits. However, on persual of the record particularly Part 'C' wherefrom we find that after the judgment was pronounced by this Tribunal as per CAT (Procedure) Rules, copy of the same was sent to the applicant by registered post. The record also confirms that copy of the judgment was addressed to the applicant at the address given by him in the OA itself and the same was sent by registered post. So it is impossible to believe that the copy of the same has not been received by the applicant in the year 1999 when the judgment was pronounced.

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Applicant has nowhere stated in the MA for condonation of delay that the copy was not addressed to him and the same was not received by him. He has simply alleged that since his counsel did not appear, so review application should be heard and allowed.

4. In view of this submission made by the learned counsel for applicant we do not find that there is any sufficient cause explained by the applicant as to why he could not contact the lawyers earlier and why he had been waiting since his lawyers had not been giving him a proper response as stated by him in his complaint to the Bar Council.

5. We have also no reason to believe that the copy of the order was not received by the applicant when the same has been sent by the Registry through a registered post at the address of the applicant itself. Thus, we find no case has been made for condonation of delay. MA seeking condonation of delay is dismissed. Consequently, review application cannot be entertained and the same is also dismissed.


(S.A. SINGH)
Member (A)


(KULDIP SINGH)
Member (J)

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