

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA-181/88  
MP-2396/96

03-09-93

Sant Ram & Ors.

Applicants

Vs.

Union of India & Ors.

Respondents

Shri KBS Rajan proxy counsel for Shri E.X. Joseph,  
Counsel for Applicants.

None for the Respondents.

CORAM

Hon'ble Mr. Justice, S.K. Dhaon, Vice Chairman (J)

Hon'ble Mr. B.N. Dhoundiyal, Member (A)

JUDGMENT (ORAL)

(Hon'ble Mr. Justice, S.K. Dhaon, Vice Chairman

This is an application praying that the order dated 6.5.93 dismissing OA No.181/88 for default of appearance may be recalled.

2. On 6.5.93 a Two-Member Bench of this Tribunal, consisting of Hon'ble Mr. B.N. Dhoundiyal and Hon'ble Mr. C.J. Roy, passed the following order:

"This is an old case of 1980 and is posted pre-emptorily for final hearing from among ten cases. We find that neither the applicant nor his Counsel is taking keen interest to prosecute the case further. Therefore this case be dismissed for default of appearance."

3. The application is accompanied by another application seeking condonation of delay in filing the application. The material facts in respect to the causes shown for seeking condonation of delay are contained in this MP. The material averments are these:

Sd/-

4. <sup>One</sup> All of the applicants inspected the file of the OA on 8.6.93 and found that on 6.5.93 the OA had been dismissed in default of appearance. The counsel of the applicants was away on vacation and he was informed of the dismissal of the OA on 7.7.93. It is to be noted that the review application was filed on 5.8.93. No explanation whatsoever, has been offered for the time consumed between 7.7.93 and 5.8.93.

5. Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987 provides that where an application has been dismissed for default, an application to restore the same should be filed within a period of 30 days from the date of the order of dismissal. ✓ Taking a liberal view of the matter, it can be said that the period of 30 days would commence from the date of knowledge of the dismissal. Knowledge of the order of dismissal was acquired on 8.6.93 when one of the applicants inspected the records of the OA. We see no reason to condone the delay in filing of this application. We therefore reject this application as barred by limitation.

( B.N. Dhoundiyal )  
Member (A)

( S.K. Dhaon )  
Vice Chairman (J)

MP No.3080/1993 in  
OA No.181/1988

07.10.1993

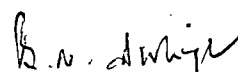
Present: Shri K.N.R. Pillay, proxy counsel for Shri E.X. Joseph, Counsel for the petitioners.


Shri J.C. Madan, proxy counsel for Shri P.H. Ramchandani, Sr. Counsel for the respondents.

In this Miscellaneous Application, the prayer is that certain errors in our order dated 03.09.1993 disposing of MP 2396/1993, may be rectified. Three typographical errors are discernible in our aforementioned order. They are:

- (i) the Misc. Petition disposed of by us on 03.09.1993 was really MP No.2396/1993 and not MP No.2396/1996.
- (ii) the order sought to be recalled by means of Misc. Petition was the order dated 26.05.1993 dismissing the O.A. in default of appearance and not the order dated 06.05.1993.
- (iii) in the order dated 26.05.1993, it is recited that "this is an old case of 1988" and not of 1980, as extracted in para 2 of our order dated 03.09.1993.

- 2. Let the three errors be deemed to have been corrected.
- 3. Misc. Petition disposed of.

  
(B.N. DHOUNDIYAL)  
MEMBER (A)  
07.10.1993

  
(S.K. DHAON)  
VICE CHAIRMAN  
07.10.1993

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