

08.01 2016

Hon'ble Dr. Murtaza Ali, J.M

Restoration Application No.330/03051/14

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Delay Condonation Application NO. 330/03052/14

Shri R.N. Joshi counsel for the applicant and Shri R.K. Srivastava counsel for the respondents are present.


A restoration application along with delay condonation application have been filed on 2.8.2014 for recalling the dismissal order dated 6.2.2008

It has been submitted that the applicant filed O.A No 1325/04 seeking a direction for respondent Nos 2 and 3 to consider his application for re-engaging him as casual labour. It has further been stated that on the date of hearing the counsel for the applicant could not appear before the Tribunal for the reasons best known to him and due to illness of his wife, applicant could not contact his counsel to know the present status. He visited Allahabad in September 2013 and came to know that his O.A. has been dismissed on 6.2.2008 then he filed this restoration application after getting certified copy of the order on 13.08.2014.

In the objection filed on behalf of respondents, it has been submitted that the restoration application has been filed after a lapse of six years and six months and no sufficient reason have been shown by the applicant. He relied upon the judgments of Hon'ble Apex Court delivered in *Ratan Chandra Samanta Vs. UOI and ors.* reported in **1994 SCC (L&S) 1982**, *S.S. Rathore Vs. Union of India and Ors.* reported in **AIR 1990 SC page 10**, *Union of India and others Vs. M.K. Sarkar* reported in **2010 (2) SCC page 58** and *Bhoop Singh Vs. Union of India and others* reported in **1992 (3) SCC page 136**.

I have perused the judgments cited by the learned counsel for the respondents and I am of the view that there is inordinate and unexplained delay on the part of applicant, therefore, restoration application as well as delay condonation application are liable to be dismissed.

Accordingly, the restoration application as well as delay condonation application are dismissed.


J.M

Manish/-