

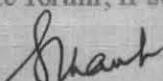
04th July, 2005

Hon. Mr. A.K. Bhatnagar, J.M.

Hon. Mr. S.C. Chaube, A.M.

Shri Rakesh Verma for the applicant. Shri Anil Dwivedi brief holder to Shri Saumitra Singh, Counsel for the respondents. M.A.No. 1874/05 has been filed for restoration of the O.A. alongwith delay condonation application no.1873/05. Learned counsel for the applicant submitted that the O.A. was dismissed vide order dated 24.01.2005 in default and for non prosecution due to the fact that earlier counsel Shri K.K. Tewari did not appear on the date fixed as he was busy before the Hon'ble High Court. Thereafter, copy of the said order was dispatched by the registry on 21.04.2005, which was received by the petitioner on 25.04.2005, as indicated in paragraph no.4 of the application. Learned counsel has moved this recall application alongwith delay condonation application. Grounds shown for non-appearance are sufficient. Misc. Applications are allowed. Delay in filing the restoration application is condoned. Order dated 24.01.2005 is recalled. O.A. is restored to its original number.

At this stage, learned counsel appearing for the applicant Shri Rakesh Verma argued that the matter pertains to B.S.N.L., which has not been notified under Section 14(2) of the Administrative Tribunals Act 1985, therefore, the O.A. may be dismissed with liberty to approach the appropriate forum. Learned counsel appearing for the respondents has no objection to the prayer of learned counsel for the applicant. Therefore, relying upon the cases of Hon'ble High Court of Delhi (C.M.W.P. No.2702/01 Ram Gopal Verma Vs. U.O.I. & Others 2002[1]A.I.S.L.J. 352, decided on 24.08.2001) and Hon'ble High Court of Bombay (B.S.N.L. Vs. A.R. Patil and others 2002[3] A.T.J. page 1), we dismiss the O.A. as not maintainable before this Tribunal. The applicant may approach the appropriate forum, if so aggrieved, as per rules.


Member (A)


Member (J)

/M.M./