

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 09th day of *April*, 2015.

Civil Misc. Delay Condonation Appl. No. 3583 of 2010
&
Civil Misc. Restoration Application No. 3584 of 2010

IN

Original Application Number. 587 of 2005.

HON'BLE MR. SHASHI PRAKASH, MEMBER (A).

Hari Om Singh, son of Sri Amar Singh, Resident of village -
Khedathakur, District - Bharatpur (Rajasthan).

.....Applicant.

VERSUS

1. Union of India through Secretary, Ministry of
Communication, Department of Post, New Delhi.
2. Senior Superintendent of Post Offices, Agra.
3. Senior Postmaster, Head Post Office, Agra.

.....Respondents

Advocate for the applicant: Shri Abhishek Tripathi

Advocate for the Respondents : Shri Himanshu Singh

ORDER

The applicant has filed Misc. Application No. 3584/2010 for restoration of Original Application No. 587/2005, which was dismissed in default for non-prosecution by this Tribunal on 23.09.2005. Alongwith restoration application, the applicant has also filed Misc. Application No. 3583/2010 for condonation of delay in filing restoration application.

Sn

2. The respondents have filed objection to the restoration application. It is stated in the Affidavit by the respondents that the restoration application is highly time barred as it has been filed on 23.08.2010 i.e. after more than five years of the order dated 23.09.2005. Learned counsel for the respondents drew attention to Rule 15(2) of C.A.T (Procedure) Rules, which provides one months time for filing restoration application from the date of dismissal of the original application in default. It is also stated that in the explanation offered by the applicant for condonation of delay is also not reasonable, therefore, the restoration application is liable to be rejected being time barred.

3. Heard learned counsel for both sides.

4. From the series of events it is abundantly clear that the counsel for the applicant is negligenc~~e~~^{te} in pursuing this matter. Even in the application for condonation of delay, no adequate reason has been given. It is also relevant to observe that the cause of action in the present O.A pertains to an order dated 19.04.2004. Keeping in view the above facts and circumstances, the Delay Condonation Application No. 3583/2010 as well as M.A No. 3584/2010 for restoration of O.A are rejected.


MEMBER- A.

Anand....