

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ORDER SHEET

O.A / MA / RA / CP NO. 631 OF 2005

Applicant/s R. M. Mishra Respds. VOI & Ors.

Advocate for Applicant/s Sri R. Yadav Advocate for Respondent/s Sri M. Pandey
Sri K. P. Singh

Notes of the Registry	Orders of the Tribunal	Sheet No.
	<p style="text-align: right;"><u>OA No.631/05</u></p> <p style="text-align: center;"><u>4.2.2011</u></p> <p style="text-align: center;">HON'BLE MR. JUSTICE S C SHARMA, J.M. HON'BLE MR. S. N. SHUKLA, A.M.</p> <p>MA (Restoration) No.4367/2009-There is an illness slip of Mr. R. Yadav, Advocate for the applicant. We have heard Mr. K.P. Singh, Advocate for respondents on the application for restoration. The OA was listed on 11.09.2009 for hearing and as none responded for the applicant on that date hence the OA was dismissed in default. The application for restoration was moved on 31.10 2009. It has been alleged in the application that counsel for the applicant Sri Rajeshwar Yadav was suffering from Jaundice (Pilia) from 31.08.2009 and the treatment was going on and the physician advised him complete bed rest. Due to compelling circumstances the applicant's Advocate could not appear before the Tribunal on 11.09.2009 and when copy of the order was received by the applicant then he came to know about dismissal of the OA and thereafter he contacted his Advocate and restoration application was moved.</p> <p>Learned counsel for the respondents argued that even though application for restoration is not within time but it is delayed, it has also been argued by Mr. K.P. Singh that on several dates on behalf</p>	


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	<p>of applicant only the illness slips were being submitted and it shows that the applicant is not interested in pursuing the case and he had lost interest in the case. He also stated that facts of the case shows that applicant has no interest in pursuing the matter. He stated that the applicant was transferred from the institution and he was relieved. But irrespective of the fact that he was relieved he did not joined at the transferred place and hence salary was not paid to him and the OA has been instituted for giving a direction to the respondents in order to pay the salary since 04.11.2003. Learned counsel for the respondents also argued that lateron the applicant joined at the transferred place and the salary was paid regularly to him and the circumstances of the case shows that he has no interest.</p> <p>We have considered the ground mentioned for restoration in the application and we are of the opinion that the ground is not sufficient. in case the Advocate for the applicant was ill then an illness slip could have been submitted as being sent earlier and afterwards on behalf of applicant's advocate but no illness slips were sent on that date. This fact shows that the applicant was not pursuing the case and he is not interested. No useful purpose is going to be served in restoring the case as</p>	

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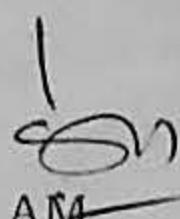
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	<p>applicant has lost interest. Restoration applicant is liable to be dismissed. MA No.4367/09 is dismissed.</p> <p> AM  JM</p> <p>/ns/</p>	

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