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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Restoration Application no.129 of 1987

IN

Original Application no.621 of 1986

Jagdish

applicant.

Vs.

Union of India

Respondent.

Hon'ble D.S.Misra,A.M.

Hon'ble G.S.Sharma,J.M.

(Delivered by Hon'ble D.S.Misra)

In this Misc.Application a prayer has been made that the order dated 1.9.87 dismissing the application at the admission stage may be recalled and the case may be restored to its original number.

2.The ground for restoration is that the learned counsel for the applicant Sri G.H.Naqvi was under the impression that the hearing of the application has been adjourned to 28.9.87 on the basis of some request made by him to the Vice Chairman of this Tribunal for adjournment of his cases to 28.9.87. In the affidavit filed by the applicant a similar ground has been taken. However, from a perusal of the ordersheet there is no indication to the effect that this case was adjourned to 28.9.87. This application was originally filed on 18.12.86 and a show cause notice was issued to the respondents for 21.1.1987. On that date, learned counsel for the respondents informed that the application is *prima facie* barred by time and there is no need to file reply in response to the show cause notice. The case was adjourned to 16.2.87 on the request of the applicant's counsel, who wanted to argue the case on the question of limitation. Learned counsel for the applicant was absent on that date and the case was adjourned to 2.3.87 and on that date <sup>also</sup> ~~the~~ the case was adjourned to 25.3.87 on the request of learned counsel for the applicant. Even on 25.3.87 learned counsel for the applicant was not ready and it was adjourned to 15.4.87 and again to 1.5.87 at the request of learned counsel for the applicant. On 1.5.87, the case was adjourned to 25.6.87 and again to 1.9.87. There is nothing on record to show that the date indicated by the learned counsel for the applicant was fixed for the hearing in this case. As the case had been adjourned for more than 8 months, at the

request of the learned counsel for the applicant and the respondents had already filed their reply, the matter was considered on merit and orders were passed on 1.9.87.

3. As the order has been passed on merit, the request of the applicant for the recall of the order is not admissible under the provisions of the A.T. Act XIII of 1985. The application is accordingly rejected.

A. M.

*Subd. 21/12/87*  
J.M.

JS. 1 .12.987