

MA No.1021/07
With
MA No.1022/07
In
O.A. No.948/93


12.07.2007.


Hon'ble Mr. Justice Khem Karan, V.C.

Hon'ble Mr. P.K. Chatterji, A.M

Heard Shri C.P. Srivastava, learned counsel for the applicant and Shri R.C. Shukla holding brief of Shri S. Singh, learned counsel for the respondents, on the application for condonation of delay and on application for recalling the order dated 29.1.2002.

It transpires that the O.A. filed in 1993 was dismissed on 29.1.2002 for non-appearance of the applicant. Applicant has now moved ~~these~~ ^{for condoning} applications for recalling the order dated 29.1.2002 and ^{know} delay in moving the restoration application saying that he could not ~~get~~ ^{know} only prior to 9.4.2007, about the dismissal of the O.A., so could not move these applications earlier. Attempt has also been made to say that on 29.1.2002, one of the counsel Shri R.K. Tiwari had sent illness slip, so the O.A. should not have been dismissed in default. Since delay is of more than 5 years and since the reason given for condoning the delay in moving the restoration application does not appear to be acceptable one, so we are of the view that application for condonation of delay as well as application for restoration of the O.A, have to be dismissed. It is surprising that applicant slept over the matter for more than 5 years. He had filed the O.A. against his removal. A person removed from service will try to know about the fate of his action and will not sleep over the matter for a long period of 5 years, So grounds are not sufficient for condoning the delay in moving the restoration and for recalling the order. Both applications are rejected.


A.M


V.C

Manish/-