

07.8.2001

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

We have heard Shri Arvind Srivastava learned counsel for the applicant.

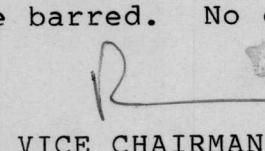
M.A.2621/01 is for restoration of the OA which was dismissed in default on 3.6.1996. The order passed ~~with~~ <sup>or was to</sup> the following effect:

"None for the applicant. On the earlier two occasions also none appeared for the applicant. In view of the above, it appears that applicant has lost interest in pursuing this matter. Hence dismissed in default."

This application for restoration was filed on 28.5.2001 by engaging Shri Arvind Srivastava as counsel.

Earlier applicant was represented by Shri D.R.Chaudhary(as he then was) and Shri P.Vardhan advocates. This Tribunal by order dated 7.6.2001 directed office to submit report as to whether the order of dismissal was communicated or not. The office report dated 6.8.2001 shows that the copy of the order was issued to learned counsel named above who represented applicant and they collected it from JA Section on 13.6.1996. Thus, the case of the applicant that he had no knowledge of dismissal of the OA on 3.6.1996 cannot be accepted. The copy was received through counsel on 13.6.1996. This application is thus highly time barred. We do not find any cogent explanation for this long and inordinate delay. The application is dismissed as time barred. No order as to costs.

 MEMBER(A)

 VICE CHAIRMAN

Uv/