

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO. 353 OF 2000

ALLAHABAD THIS THE 21th DAY OF FEBRUARY, 2008

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MR. K.S. MENON, MEMBER-A

Shri Dujjey, S/o Shri Shiv Bodh, R/o Village Pansaur
(Pura Dihwa), Post Lokipur, District Kaushambi
.....Applicant

By Advocate Shri Arun Srivastava

V E R S U S

1. Union of India through the General Manager (Northern Railway), Allahabad.
2. The Mandal Karmik Adhikari, Northern Railway, Allahabad.
3. Asstt. Engineer Lines, N.R., Allahabad.

.....Respondents

By Advocate: Sri G.P. Agarwal

O R D E R

BY JUSTICE A.K. YOG, MEMBER-J

Sri K.K. Srivastava, holding brief of Sri Arun Kumar Srivastava, counsel for the applicant appeared and stated that his senior Sri Arun Kumar Srivastava has gone out of station. Considering the facts found from the case, it is abundantly clear that the applicant and the counsel for the applicant have been persistently abusing the process of court. The counsel for the applicant, may have, has gone to Lucknow, but in the facts of the instant case, he should have handed over the brief to his colleague

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to assist the court. We find that Sri K.K. Srivastava proxy counsel is present in the Court without the case file and is seeking adjournment. We do not appreciate it. The learned counsel for the respondents Sri G.P. Agrawal, Advocate, vehemently opposed the adjournment.

2. Be that as it may, we proceed to hear the O.A. and decide it. It is noted that the applicant-Dujjey died on 13.12.2006 and substitution application (Civil Misc. Amendment Application no. 643 of 2007) has been filed on behalf of widow of said deceased applicant Smt. Rukhmani and his sons & daughters claiming to be legal representatives. Interestingly, the copy of the said application was not served or made available to Sri G.P. Agarwal, appearing for the respondents. Copy of the Substitution application, as per endorsement made on this application shows that it is being got served and received by the clerk of Sri Amit Sthalekar on 14.3.2007. In view of the attending circumstances, we have our doubt this bonafide mistake. It appears that the substitution application has not been served upon Sri G.P. Agarwal, who is appearing the counsel for the respondents throughout and there was no occasion for any doubt or dispute.

3. Be that as it may, we allow the said application formally and asked the learned counsel to proceed and assist us, but he failed to do so. We

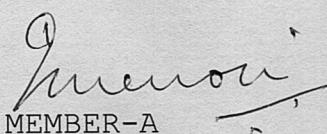
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would have granted an opportunity even at this stage, but we find that there is no fun in keeping this O.A. pending in view of the relief claimed in the O.A.

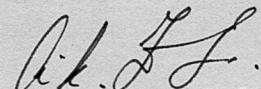
4. The applicant before us has sought only one relief to the effect to issue an order, direction or writ in the nature of mandamus commanding the respondent no.2to allow the applicant to work on a sedentary job as observed by the Chief Medical Superintendent, N.R., Allahabad in its medical inspection report dated 5.3.1998.

5. Since the applicant-Dujje has already died, the relief claimed in the O.A. cannot be granted.

6. In view of the above, the O.A. stands dismissed. No costs.


MEMBER-A

GIRISH/-


MEMBER-J