

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALAHABAD BENCH, ALAHABAD**

Allahabad, this the 19th day of **December**, 2013

Present :

Hon'ble Mr. Shashi Prakash, Member-A

Delay Condonation Application No.3734 of 2012
And
Restoration Application No.3735 of 2012
In
Original Application No.783/2003

B.N. Singh, T. No.8213 Fitter Grade-II, Progress Department
(P.C.O.Department), North Eastern Railway, Gorakhpur.

.....Applicant.

By Advocate – Shri Arvind Kumar

V E R S U S

1. Union of India, through Secretary, Ministry of Railway, New Delhi.
2. Chief Workshop Manager (Personnel), North Eastern Railway, Gorakhpur Mechanical Workshop.
3. Chief Workshop Manager, North Eastern Railway, General Manager, Office of Law Officer, North Eastern Railway, Gorakhpur.

.....Respondents.

By Advocate : Shri K.P. Singh

O R D E R

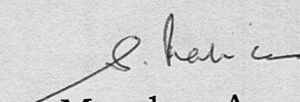
Shri Arvind Kumar, Advocate for the applicant and
Shri K.P. Singh, Advocate for the respondents are present.

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2. Learned counsel for the applicant stated that the OA was filed on 30.6.2003. The OA was dismissed in default on 17.2.2004 due to non prosecution. The restoration application has been filed on 19.10.2012 after a lapse of about 08 years. It is contended in the application that the applicant came to know from respondent No.2 on 10.09.20012 that the OA is dismissed in default. Immediately on coming to know about the status of the case he moved restoration application. It is not explained in the application as to why the applicant himself did not monitor the progress of the case. It is a case of clear negligence and sleeping over by the applicant in the matter. It has been held in several judgments that a person who sleeps over his right looses his legal right.

3. In view of this position, I do not find sufficient ground ^{for} on condonation of delay in the matter. Accordingly, the restoration application is dismissed.


Member-A

RKM/