

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

**O.A.NO.** 323 OF 1993  
**R.A.NO.**

**DATE OF DECISION** 21.9.98

Dineshkumar M. Wagle **Petitioner**

Mr. J. J. Yagnik & Mrs. D. S. Pandit **Advocate for the Petitioner [s]**  
**Versus**

Union of India & Ors. **Respondents**

Mrs. P. Safaya **Advocate for the Respondent [s]**

**CORAM**

**The Hon'ble Mr. V. Ramakrishnan, Vice Chairman.**

**The Hon'ble Mr. P.C. Kannan, Judicial Member.**

**JUDGMENT**

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lerdships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Dineshkumar M. Waghela  
House No.390, Ambadkar Fali  
Behind Vastra Dharaji Pole,  
Shahpur, Ahmedabad.

.... Applicant.

(Advocate: Mr. J. J. Yagnik &  
Mrs. D. S. Pandit)

versus

Union of India  
though the Director  
Doordarshan Kendra,  
Nr. Drive-in-Cinema,  
Thaltej Road,  
Ahmedabad-54.

.... Respondent.

(Advocate: Mrs. P. Safaya)

ORAL ORDER

O.A.No. 323/1993

Date: 21.9.1998.

Per: Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

Mr. Yagnik and Mrs. Pandit is not present today also. They have not been present over a year now in this case. The applicant is also not present. It would seem that the applicant is not interested in pursuing the matter. Dismissed for default.

P.C. Kannan  
(P.C. Kannan)  
Member (J)

V. Ramakrishnan  
(V. Ramakrishnan)  
Vice Chairman

vtc.

23.11.98

Mr. Yagnik not present. He shall

remove office objections within a fortnight. Adjourned to 29.12.98.

(V. Ramakrishnan)  
Vice Chairman

hki

29.12.98

Mr. Yagnik has not removed office objections even now. Adjourned as the last chance to 25.01.99.

(V. Ramakrishnan)  
Vice Chairman

hki

25.01.99

Office objections not removed even now. Mr. Yagnik not present. It was adjourned to today as a last chance. Place it before the Division Bench on 04.02.99.

(V. Ramakrishnan)  
Vice Chairman

mb

4-2-99

Today the case is taken on Board.

Neither party is present. After this application was filed on 16-10-98, though the objections raised by the Office were notified on 23-10-98 whereby the learned counsel Mr. Yagnik was called upon to remove the objections within 21 days but till date the learned counsel Mr. Yagnik has neither removed the office objections nor has contested the same. Still, however, in the interest of justice further 2 weeks time is granted for removing the objections. The case is adjourned to 18-2-99.

(A.S. SAIEF  
REGISTRAR

MAst 780/98 in OA 323/93

1.3.99

We have seen the orders from 23.11.98 onwards and find that neither the applicant nor his counsel has appeared on a number of occasions. Objections have also not been removed.

We, therefore, decline registration of MAst 780/98.

DK

VR

(P.C. Kannan)  
Member (J)

(V.Ramakrishnan)  
Vice Chairman

nsh

5

M.A. ST. 780/98 in OA. 323/93

RECEIVED ON 20/08/1998 3RD FLOOR

DATE	OFFICE REPORT	3RD FLOOR
18/2/99		<p>Today the case is taken on Board. Neither the applicant nor his advocate is present. The original application was filed on 25.5.93 which was ordered to be registered on 24.8.93 and fixed for final hearing in due course. But thereafter the applicant had filed M.A.461/94 for urgent out of turn hearing and the said application was allowed on 3.10.94 and the matter was fixed on 16.11.94 for hearing out of turn but thereafter though the matter was adjourned to 13.1.95, 9.3.95, 13.3.95, 28.3.95, 3.5.95, 25.8.95, 9.11.95, 8.3.96, 11.4.96, 25.7.96, 9.9.96, 23.10.96, 29.11.96, 27.1.97, 24.2.97, 4.4.97, 19.6.97, 4.8.97, 30.9.97, 19.11.97, 6.1.97, 4.8.98, 18.3.98, 5.5.98, 2.7.98, 22.7.98, 20.8.98 and ultimately the matter was fixed on 21.9.98 but for all these period as the petitioner or his advocate had not taken any interest for proceeding further on 21.9.98, the Hon'ble Bench was left with no choice but to dismiss the O.A. for default and therefore, the present application is preferred on 23.10.98 and the learned advocate Mr.J.J.Yajnik was called upon to remove the office objections within 21 days but till date he has neither removed the objections nor has contested the same under rule 17 of C.A.T. Rules of Practice 1993. Hence under sub clause 4 of Rule 5 of C.A.T. Procedure Rules 1987, the registration is declined and the case is ordered to be placed before the Hon'ble Bench for further necessary orders on 1.3.1999.</p> <p style="text-align: right;">[ A.S.SAIYED ] Registrar</p> <p style="text-align: center;">Ssn ***</p>

D  
4.8.99

## OFFICE REPORT

## ORDER

Mr. Pathak had served a copy on the other side. Registry to give a regular number to M.A.St.331/99.

M.A.459/99 seeks to restore M.A.St.780/98 which was under objection and where registration was declined. M.A.St.780/93 sought to restore OA 323/93 which was dismissed for default on the grounds that both the counsel for the applicant were not present for a year nor the applicant present. This order was passed on 21.1.98. M.A.St.780/98 was filed on 16.10.98 seeking restoration of the OA, this was under objection for quite some time. On 1.3.99 the tribunal noted its orders from 23.11.98 onwards regarding removal of office <sup>order</sup> where objections a number of adjournments are given. Finally on 1.3.99 the Tribunal noted that neither the applicant nor his counsel has appeared on a number of occasions and registration declined. The present M.A has been filed on 14.6.99 and was under objection till today. This seeks to restore the M.A.St.780/98 whose registration was declined. The present MA itself has been filed beyond the time limit and in the context of the reason given by the tribunal on 1.3.99 for refusing registration of M.A.St.780/98 we see no merit in the present M.A which seeks recall of our orders declining registration. The present MA therefore, dismissed and our order dated 1.3.99 stands.

*A.S. Sanghavi*  
(A.S. Sanghavi)  
Member (J)

*V.Ramakrishnan*  
(V.Ramakrishnan)  
Vice Chairman

vtc.

Sr. No. 201201

Dated: 12.9.201

Submitted: Hon'ble Vice Chairman &

Hon'ble Mr. V. Radhakrishnan, Member (A)

Hon'ble Mr. P.C. Kannan, Member (J)

Hon'ble Mr. A.S. Sanghvi, Member (J)

Hon'ble Mr. G.C. Srivastava (M.A)

Certified Copy of order dated 14.8.201 in CA/  
Spl.C.A. No. 1969 of 201 passed by the  
Supreme Court/ High Court against the Judgment/ Oral Order  
passed by this Tribunal in OA/ 323/93 is placed for perused  
plea.

D.R. (J)

S.O. (J)

Hon'ble Vice Chairman

Hon'ble Mr. V. Radhakrishnan, Member (A)

Hon'ble Mr. P.C. Kannan, Member (J)

Hon'ble Mr. A.S. Sanghvi, Member (J)

Hon'ble Mr. G.C. Srivastava (M.A)

Supreme Court/ High Court against the Judgment/ Oral Order  
passed by this Tribunal in OA/ 323/93 is placed for perused  
plea.

S.O. (J)

S.O. (J)

D.R. (J)

Dated:

Hon'ble Vice Chairman

Submitted: Hon'ble Vice Chairman &

Hon'ble Mr. V. Radhakrishnan, Member (A)



URGENT/TIME LIMIT

20/01  
12-9-01

Decree Despatch No.

Date

16-3-01

25359

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**Special Civil Application No 1969 of 2001**

(Under Article(s) 14,226,227 of the Constitution of India)

1. DINESHKUMAR M VAGHELA  
Vs

Petitioner

1. DIRECTOR

Respondent

To

1. DIRECTOR  
DOORDARSHAN KENDRA  
NR DRIVE IN THALTEJ.  
AHMEDABAD.

✓ 2. THE MEMBER  
C.A.T. OPP. SARDAR PATEL STADIUM  
AHMEDABAD-14. [REF: M.A.ST.NO.  
331/1999 IN O.A.NO. 323/1993;  
M.A.ST.NO. 780/98 IN OA 323/93]

Upon reading the petition of the above named Petitioner presented to this High Court of Gujarat at Ahmedabad on 16/03/2001 praying to grant the prayers and etc...

And whereas upon the Court ordered 'Rule' to issue on 11/06/2001.

And Whereas Upon hearing  
MR PH PATHAK for the Petitioner no. 1  
MR MUKESH R SHAH for the Respondent no. 1

Court passed the following order :-

CORAM : M.R.CALLA & N.G.NANDI, JJ  
DATE : 11/06/2001

*✓ 50(5)  
Pleas  
on 8/3*  
"Mr. P.H. Pathak for the petitioner.....  
.....hereby discharged. No order as to costs."

(COPY OF THE ORDER/JUDGEMENT IS ATTACHED HEREWITH)

*Judicial (etc)*

*PY  
1042-1*

Witness **DEVDATTA MADHAV DHARMA DHIKARI, Esquire** Chief Justice at Ahmedabad  
aforesaid this 11th day of Jun, 2001.

By the Court

For Deputy Registrar  
This 11th day of Aug 2001

5752

Note : This writ should be returned  
duly certified within 2 weeks.  
( 570) 130820

570 130820

## IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1969 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA *sd/-*

and

Hon'ble MR.JUSTICE N.G.NANDI *sd/-*

1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not

3. Whether Their Lordships wish to see the fair copy of the judgement? *NO*

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

DINESHKUMAR M VAGHELA

Versus

DIRECTOR

## Appearance:

MR PH PATHAK for Petitioner

MR MUKESH R SHAH for Respondent.

CORAM : MR.JUSTICE M.R.CALLA

and

MR.JUSTICE N.G.NANDI

Date of decision: 11/06/2001

GENERAL JUDGEMENT  
(Per : MR.JUSTICE M.R.CALLA)

Mr. P.H. Pathak for the petitioner. Mr. Mukesh R. Shah for the respondent. Rule. Mr. Mukesh R. Shah waives service of the Rule.

2. In the facts and circumstances of the case, we find that this petition deserves to be disposed of at this stage itself and both the sides have also requested for the same.

3. We have heard learned counsel for both the sides at some length. During the course of arguments, Mr. Mukesh Shah appearing for the respondent has submitted that the respondent has no objection if a direction is issued by this Court for deciding the petitioner's application, i.e., M.A. ST No. 780 of 1998 on merits.

4. This petition is directed against an order passed by the Central Administrative Tribunal at Ahmedabad on 4th of August 1999 in M.A. ST. No. 331 of 1999 in O.A. No. 323 of 1993. The O.A. No. 323 of 1993 was dismissed in default for absence of the lawyer in the application on 21st September 1998. The petitioner had sought the restoration of O.A. No. 323/93 through M.A. ST No. 780 of 1998. This Misc. Application St. No. 780 of 1998 was filed on 16th/23rd October 1998 which remained under objections and on 1st of March 1999 the Tribunal noted the orders passed from 23rd November 1998 onwards with regard to the failure to remove the office objections despite number of adjournments. Therefore, finally on 1.3.1999 the Tribunal noted that neither the applicant nor his counsel had cared to appear in this matter and the registration of his application St. No. 780/1998 was declined. Thereafter, the M.A. ST No. 331 of 1999 was filed on 14th June 1999 and this also remained under objection but on 4.8.1999, Registry was

directed to give regular number to it and accordingly regular No. 459 of 1999 was given to it on the same day i.e. 4.8.99. The Central Administrative Tribunal has referred to the reasons given in its order dated 1.3.1999 for refusing the registration on M.A.ST. 780/98. The Tribunal has not found any merit for recalling the earlier orders and accordingly the M.A. ST No. 331 of 1999 regularly numbered a M.A. No. 459/99 was also rejected and it was ordered that the order dated 1.3.1999 stands.

5. Having heard learned counsel for both the parties and having gone through the order, we find that the applicant who was on a low-paid post of Helper has not been able to get a decision on merits, because of the non-appearance of his counsel. Once he had engaged an advocate it was his lawyer's duty to take care of the objections in the O.A. and he was not expected to be present on each and every date. The poor employee of lower strata should not be deprived of the adjudication of his grievance on merits.

In the facts and circumstances of the case we direct that the petitioner's application, i.e., M.A. ST No. 780 of 1998 may be heard and decided by the Central Administrative Tribunal at Ahmedabad on merits subject to the removal of the objections therein. The petitioner should be allowed to remove the objection within a period of 15 days from the date this order is produced before the Central Administrative Tribunal by the petitioner. It will be the duty of the petitioner himself to remove

the office objections now without depending upon his lawyer. The impugned orders dated 4th August 1999 and the order dated 1.3.99 are therefore set aside for ends of justice. This Special Civil Application is hereby disposed of with the observations as aforesaid. Rule is hereby discharged. No order as to costs.

*slc*

✓ [ M.R. Calla, J. ]

*slc*

ar.

✓ [ N.G. Nandi, J. ]

**TRUE COPY**

Private Secretary  
to the Hon'ble Judge,  
High Court of Gujarat,  
Ahmedabad.

BY ORDER OF THE COURT

DEPUTY REGISTRAR

10/8

Jayesh  
9/8/01

**TRUE COPY**

Assistant Registrar,  
The day of 2001

दिनांक Date	कार्यालय टिप्पणी Office Report	आदेश Order
	<u>10-10-2001</u>	
	<p>High Court of Gujarat Vide Judgment dated 11-6-2001 has directed this Tribunal to hear and decide MAST/780/98 for restoration of OA after removal of objection in the MA within 15 days from the date order of the High Court is produced before the Tribunal.</p> <p>Since the applicant/Advocate has not reported, a notice has been sent to the applicant today to do the needful by 29-10-2001.</p> <p>For kind perusal.</p> <p><u>6/10</u> <u>10/10/2001</u></p> <p><u>DRC (J)</u></p>	
	<p>Notice issued to applicant on 10/10/2001.</p> <p>Notice returned un-served with postal remarks 'Left'</p> <p><u>ceef</u> <u>22/10/2001</u></p> <p>Since notice was has been un-served with shas left, notice may be issued to the counsel who appeared in High Court for applicant.</p> <p><u>25/10.</u></p> <p>Notice issued on 29/10/2001. <u>6/10</u></p>	

Date Office Report

O R D E R

30.10.2001

This matter has come up on Board on account of dissections of the Hon'ble High Court dated 11.6.2001 while disposing of SCA 1969 of 2001. Hon'ble High Court had directed that MA/St./780/1998 may be heard and decided by the Tribunal subject to removal of objections therein. The High Court has also stipulated a period of 15 days from the date of the order i.e. 11.6.2001. The High Court had further directed that the objections must be removed and that it would be the duty of the petitioner himself to remove the objections without depending upon his lawyer. As such the objection was required to be removed not later than 26th June 2001. He has not done so. A notice was also sent to the original applicant but there is no response.

2. As the applicant has taken no steps to remove the office objections in respect of MA/St/780/2001 and nobody on his behalf has made any approach to the Tribunal, this matter was placed on Board today and we enquired from Mr. Pathak who appears for the applicant in the High Court as to whether he has anything to say on the subject. Mr. Pathak says that he will be filing Vakalatnama for the Misc. applicant and also take steps to remove the office objections.

Adjourned to 27.11.2001.

(A. S. Sanghvi)  
Member (J)

(V. Ramakrishnan)  
Vice Chairman

pmr

Date

Office Report

ORDER

27.11.01

Mr. Rithak has filed a leave note

today. Adjourned to 20.12.01.

*AS*  
(A.S.Sanghvi)  
Member (J)

*VR*  
(V.Ramakrishnan)  
Vice Chairman

mv

20-12-01

The order of the High Court dated 14.8.01 was received in this office in September 2001. This order had given fifteen days time. The M.A 780/98 still not got regular number. Place it before the Division Bench. Adjourned to 18.1.02.

*VR*  
(V. Ramakrishnan)  
Vice Chairman

mv

*AS*  
1.1.02  
*DR (J)*  
MA 12 101  
MA filed by  
Counsel for  
applicants  
relating to  
MAYUR  
set aside the  
order of 21.9.98  
which was  
dismissed for  
defect in  
the file of

प्रारूप संख्या 4  
FORM NO. 4

दिनांक  
Date

कार्यालय टिप्पणी  
Office Report

आदेश  
Order

then We issued  
Post master  
orders

CB  
11.

AT	OFFICE REPORT	ORDER
16.1.02		<p>There is a leave note from the counsel for the applicant. Mr. M.S Rao learned counsel for the respondents enters appearance on behalf of the respondents.</p> <p>List on 11.2.02 for filing reply to the M.A.</p>
	<p>Reply to MA not filed. 7/2/02.</p> <p>(M.A. 16/1/02) (A) 16/1/02</p>	<p><i>esch</i> (G.C. Srivastava) Member (A)</p> <p><i>JS</i> (Lakshmi Swaminathan) Vice Chairman</p> <p>mv</p>
11.2.02		<p>Due to the sad demise of Justice D.C Srivastava the Bar Association has moved a resolution abstaining from the work as a mark of respect. Hence adjourned to 25.2.02.</p>
25.2.02		<p><i>A</i> (A.S. Sanghvi) Member (J)</p> <p>mv</p> <p>Mr. Rao for the respondents is not present. Mr. Pathak reported busy in the High Court. Adjourned to 15.3.02.</p>
		<p><i>esch</i> (G.C. Srivastava) Member (A)</p> <p><i>A</i> (A.S. Sanghvi) Member (J)</p> <p>mv</p>

DATE	OFFICE REPORT	ORDER
15.3.02	Mr. M.S.Rao has filed a writ petition in the High Court of Andhra Pradesh. The Bar has passed a resolution abstaining from the work. Hence the OA is adjourned to 12-4-2002.	<p>In view of the tense situation in the city the Bar has passed the resolution abstaining from the work. Hence the OA is adjourned to 12-4-2002.</p> <p><i>Ar</i></p> <p>(G.C. Srivastava) Member (A)</p> <p>(A.S. Sanghvi) Member (J)</p>
12/04/02	Mr. M.S.Rao says that though the proceedings show that he had entered appearance, in fact he has not filed any appearance on behalf of the respondents. He says that he is not aware of this matter and submits that notice on the M.A. may be issued to the opponents. Registry is directed to issue notice on the M.A. returnable on 08/05/2002.	<p>Mr. M.S.Rao says that though the proceedings show that he had entered appearance, in fact he has not filed any appearance on behalf of the respondents. He says that he is not aware of this matter and submits that notice on the M.A. may be issued to the opponents. Registry is directed to issue notice on the M.A. returnable on 08/05/2002.</p> <p><i>Ar</i></p> <p>Direct service to respondent no.1 is permitted.</p> <p><i>Ar</i></p> <p>(G.C. Srivastava) Member(a)</p> <p>(A.S.Sanghvi) Member(J)</p>
	<p>Recd recd CPT N MA 12/3 or 23/4/02</p> <p>Cmj/ Notice issued. RPAD awaited. 6/5/02.</p>	

Heard Mr. Pathak for the applicant and Mr. Rao for the respondents.

2. The OA is moved by the applicant challenging the termination of his services by order dated 11.7.90 of the respondents and contending that the order of termination is in violation of the principles of natural justice as well as in violation of the provisions of I.D.Act. It is also mentioned that conciliation proceedings were initiated in the year 1991.

3. Since the order under challenge is on the ground of violation of the provisions of the I.D.Act and as this Tribunal has no jurisdiction to entertain and try the question ~~raising~~ arising out of the ID Act the OA deserves to be returned to the applicant for presentation to the proper forum. We, therefore, direct the Registry to return the OA to the applicant for presentation to the proper forum retaining one set for record purpose. We make it clear that we are not passing any order on merit and both parties are at liberty to raise whatever grievance(s) they ~~raised in~~ <sup>had, before</sup> the appropriate forum. O.A. disposed of with no order as to costs.

(Shankar Prasad)  
Member (A)

(A.S.Sanghvi)  
Member (J)

Date	Office Report	Order
23.10.02	<p>MA is moved by the applicant for the restoration of OA 323/93 which was dismissed in default on dated 21.9.98. The MA has a chequered history but we want enter into the history of the MA as well as OA in view of the fact that MA has been given the regular number. Mr. Rao for the opponent had vehemently opposed the regularisation of the MA on the ground that the Hon'ble High Court had given 15 days time to the applicant to remove the office objections so far MA St.780/98 is concerned. The Hon'ble High Court also observed that while disposing of the SCA No. 1969/01 that the petitioner should be allowed to remove the objection within a period of 15 days from the date this order is produced before the Central Administrative Tribunal by the petitioner. It would be the duty of the petitioner himself to remove the office objections now without depending upon his lawyer. According to Mr. Rao, inspite of the order of the Hon'ble High Court the applicant had not approached the Tribunal within 15 days and not removed the objections. Mr. Pathak, however submits that the applicant had approached the Tribunal in June 2000 but since the writ had not reached the Tribunal and also he had not <sup>been</sup> given certified copy of the order, the office did not give him permission to remove office objections.</p>	

Date	Office Report	Order
		<p style="text-align: center;">- 2 -</p> <p>According to him, thereafter also the applicant had tried to remove the office objections but had not succeeded in view of the writ having been not reached the Tribunal. In any case we find that proceedings of 30.10.2001 the matter was placed on Board for final orders and we had directed MR.PATHAK to take steps to remove office objections. Office objections are removed now on dated 1.1.2002 and the MA is given regular number MA 12/2002. It is not true that the time beyond permissible by the High Court has been given to the applicant then in the interest of justice we have permitted the applicant to remove the office objections and now that the office objections are removed, we are taking up the MA for final disposal.</p> <p>we have heard the learned counsel for both the parties and considered the rival contentions. The main ground on which restoration of the OA is prayed for by the applicant is that his advocate being sick and could not attend the Tribunal on the date on which the OA was dismissed. The MA is moved within 30 days of the dismissal of the OA and considering that the same was dismissed for want of presence of the advocate of the applicant and that it is settled <sup>the</sup> <del>central</del> principles for the fault of the advocate, litigant should not suffer, we find that sufficient grounds</p>

## FORM NO. 4

Date	Office Report	Order
		<p style="text-align: center;">- 3 -</p> <p>has been made out by the applicant for restoring OA on file. We, therefore, allow this MA and direct that the OA 323/93 be restored to file. M.A. disposed of with no order as to costs.</p> <p style="text-align: center;">SP</p> <p style="text-align: right;">A.S. Sanghvi Member (J)</p> <p>vtc.</p>

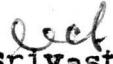
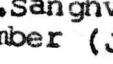
Date	Office Report	Order
23.10.02		<p>MA is moved by the applicant for the restoration of OA 323/93 which was dismissed in default on dated 21.9.98. The MA has a <del>chartered</del> <sup>chequered</sup> history but we <sup>W.C.M.L</sup> want enter into the history of the MA as well as OA in view of the fact that MA has been given the regular number. Mr. Rao for the opponent had vehemently opposed the regularisation of the MA on the ground that the Hon'ble High Court had given 15 days time to the applicant to remove the office objections so far MA St.780/98 is concerned. The Hon'ble High Court also observed that while disposing of the SCA No. 1969/01 that the petitioner should be allowed to remove the objection within a period of 15 days from the date this order is produced before the Central Administrative Tribunal by the petitioner. It would be the duty of the petitioner himself to remove the office objection now without depending upon his lawyer. According to MR. Rao, inspite of the order of the Hon'ble High Court the applicant had not approached the Tribunal within 15 days and not removed the objections. MR. Pathak, however submits that the applicant had approached the Tribunal in June 2000 but since the writ had not reached the Tribunal and also he had not <sup>been</sup> given certified copy of the order, the office did not give him permission to remove office objections.</p>

Date	Office Report	Order
		<p style="text-align: center;">- 2 -</p> <p>according to him, thereafter also the applicant had tried to remove the office objections but had not succeeded in view of the writ having <del>been</del> not reached the tribunal. In any case we find <del>that</del> <sup>from the</sup> proceedings on 30.10.2001 the matter was placed on Board for final orders and we had directed Mr. Pathak to take steps to remove office objections. Office objections are removed now on dated 1.1.2002 and the MA is given regular number MA 12/2002. It is <del>not</del> <sup>no doubt</sup> true that the time beyond permissible by the High Court has been given to the applicant <del>then</del> <sup>but</sup> in the interest of justice we have permitted the applicant to remove the office objections and now that the office objections are removed, we are taking up the MA for final disposal.</p> <p>2. we have heard the learned counsel for both the parties and considered the rival contentions. The main ground on which restoration of the OA is prayed for by the applicant is that his advocate being sick, and could not attend the Tribunal on the date on which the OA was dismissed. The MA is moved within 30 days of the dismissal of the OA and considering that the same was dismissed for want of presence of the advocate of the applicant and that it is <del>settled</del> <sup>settled</sup> principles <sup>the</sup> for the fault of the advocate, litigant should not suffer, we find that sufficient grounds</p>

## FORM NO. 4

Date	Office Report	Order
		<p style="text-align: center;">- 3 -</p> <p>has been made out by the applicant for restoring OA on file. we, therefore, allow this MA and direct that the OA 323/93 be restored to file. M.A. disposed of with no order as to costs.</p> <p style="text-align: right;">(Shankar prasad) (A.S.Sanghvi) Member (A) Member (J)</p> <p style="text-align: center;">vtc.</p>

प्रारूप संख्या 4  
FORM NO. 4

तिथि Date	कार्यालय टिप्पणी Office Report	आदेश Order
23-8-2003		Mr. Pathak learned counsel for the applicant has filed a sick note. Mr. M.S.Rao, learned counsel for the respondents present. Adjourned to 13-9-2002.
		 (Meera Chhibber) Member (J)
		 (G.C.Srivastava) Member (A)
13-9-2002		nk Time being over, adjourned to 3-10-2002.
		 (D.C.Verma) Vice Chairman (J)
3-10-2002		nk Time being over, adjourned to 23-10-2002.
		 (G.C.Srivastava) Member (A)
		 (D.C.Verma) Vice Chairman (J)
23.10.02		nk Heard learned counsel for both the parties. Oral order dictated in the open Court.
		 (Shankar Prasad) Member (A)
		 (A.S.Sanghvi) Member (J)
		vtc.

तिथि Date	कार्यालय टिप्पणी Office Report	आदेश Order
8 ८.५.२००२		<p>Mr. Rao enters appearance for the opponent He also files reply to the M.A. with a copy to the other side. Adjourned to 26.6.2002.</p>
		<p>(G.C. Srivastava) Member (A)</p> <p>(A.S. Sanghvi) Member (J)</p> <p>SM</p>
26.6.2002		<p>Mr. M.S. Rao for the respondents not present. Adjourned to 10.7.2002.</p>
		<p>(G.C. Srivastava) Member (A)</p> <p>SM</p>
10-7-2002		<p>Court time being over, adjourned to 2-8-2002.</p>
		<p>(Meera Chhibber) Member (J)</p> <p>(G.C. Srivastava) Member (A)</p> <p>SM</p>
21/8/02		<p>In view of the resolution passed by the Bar Association, they are abstaining from the work. OA is adjourned to 23/8/2002.</p>
		<p>(Meera Chhibber) (G.C. Srivastava) Member (J) Member (A)</p>

प्रारूप संख्या 4  
FORM NO. 4

दिनांक Date	कार्यालय टिप्पणी Office Report	आदेश Order
23-8-2003		<p>MR. Pathak learned counsel for the applicant has filed a sick note. Mr. M.S.Rao, learned counsel for the respondents present. Adjourned to 13-9-2002.</p> <p>(Beera Chhibber) Member (J)</p>
13-9-2002		<p>nk</p> <p>Time being over, adjourned to 3-10-2002.</p> <p>(G.C.Srivastava) Member (A)</p> <p>(D.C.Verma) Vice Chairman (J)</p>
3-10-2002		<p>nk</p> <p>Time being over, adjourned to 23-10-2002.</p> <p>(G.C.Srivastava) Member (A)</p> <p>(D.C.Verma) Vice Chairman (J)</p>
23.10.02		<p>nk</p> <p>Heard learned counsel for both the parties.</p> <p>Oral order dictated in the open Court.</p> <p>(Shankar prasad) Member (A)</p> <p>(A.S.Sanghvi) Member (J)</p> <p>vtc.</p>

कार्यालय टिप्पणी  
Office Report

आदेश  
Order

8

8.5.2002

Mr. Rao enters appearance for the opponents  
He also files reply to the MA with a copy to  
the other side. Adjourned to 26.6.2002.

*leel*  
(G.C. Srivastava)  
Member (A)

*Ar*  
(A.S. Sanghvi)  
Member (J)

sm

26.6.2002

Mr. M.S. Rao for the respondents not  
present. Adjourned to 10.7.2002.

*leel*  
(G.C. Srivastava)  
Member (A)

sm

10-7-2002

Court time being over, adjourned to 2-8-2002.

*Meera Chhibber*  
(Meera Chhibber)  
Member (J)

*leel*  
(G.C. Srivastava)  
Member (A)

nk

21/8/02

In view of the resolution  
passed by the Bar Association, they  
are abstaining from the work. OA is  
adjourned to 23/8/2002.

*Meera Chhibber*  
(Meera Chhibber)  
Member (J)

*leel*  
(G.C. Srivastava)  
Member (A)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD**

**O.A. 323/1993**

**Date : 23 / 10 / 2002**

Dineshkumar M. Waghela

: Petitioner (s)

Mr. P.H. Pathak

: Advocate for the Petitioner [s]

**Versus**

Union of India

: Respondent (s)

Mr. M.S. Rao

: Advocate for the Respondent [s]

**CORAM**

**The Hon'ble Mr. A.S. SANGHVI** : **MEMBER (J)**

**The Hon'ble Mr. SHANKAR PRASAD** : **MEMBER (A)**

**JUDGMENT**

- 1. Whether Reporters of Local papers may be allowed to see the Judgement?**
- 2. To be referred to the Reporter or not?**
- 3. Whether their Lordships wish to see the fair copy of the Judgement?**
- 4. Whether it needs to be circulated to other Benches of the Tribunal?**

Dineshkumar M. Waghela,  
House No. 390, Ambedkar Fali  
Behind Vastra Dharaji pole  
Shahpur, Ahmedabad.

..... Applicant

By Advocate: MR.P.H. Pathak

versus

1. Union of India  
(through the Director  
Doordarshan Kendra,  
Nr. Drive-in-Cinema,  
Thaltej Road, Ahmedabad-54). ..... Respondent

O R D E R (Oral)

O.A.No. 323/1993

Date: 23.10.2002

Hon'ble Mr. A.S.Sanghvi, Member (J)

Heard Mr. Pathak for the applicant and Mr. M.S. Rao  
for the respondents.

2. The OA is moved by the applicant challenging the  
termination of his services by order dated 11.7.1990 of the  
respondents and contending that the order of termination is  
in violation of the principles of natural justice as well as  
in violation of the provisions of I.D. Act. It is also  
mentioned that conciliation proceedings were initiated in  
the year 1991.

3. Since the order under challenge is on the ground of  
~~Violation~~  
Violation of the provisions of the I.D. Act and as this  
Tribunal has no jurisdiction to entertain and try the question  
arising out of the I.D. Act the OA deserves to be returned to  
the applicant for presentation to the proper forum. We,  
therefore, direct the Registry to return the OA to the applicant  
for presentation to the proper forum retaining one set for  
record purpose. We make it clear that we are not passing

any order on merit and both parties are at liberty to raise whatever grievances they have, before the appropriate forum. O.A. disposed of with no order as to costs.

*Shankar Prasad*

(Shankar Prasad)  
Member (A)

*A. S. Sanghvi*

(A.S. Sanghvi)  
Member (J)

vtc.

CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI

Application No.

CA/323/93

of 19

Transfer application No.

Old Writ Pet. .... No. ....

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided).

Dated: 05/10/98

Countersigned:

Section Officer/Court Officer.

*Prabir  
V. Hall  
not seen*

Signature of the  
Dealing Assistant.

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD

LAWSUIT TITLE 97/323/93

NAME OF THE PARTIES D. M. Vaghela  
VERSUS

C.O.I. 803

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	<u>OA</u>	<u>1-51</u>
	<u>Reps</u>	<u>52-57</u>
	<u>Rejoinder</u>	<u>58-61</u>
	<u>MS/461/94</u>	<u>62-64</u>
	<u>Further Reps</u>	<u>65-84</u>
	<u>C.O.I. 81/91/95</u>	
	<u>MS/462/98</u> <del>MS/462/99</del>	<u>85-89</u>
	<u>MS/459/99</u> <u>MS/460/8/99</u>	<u>90-95</u>
	<u>Reply on MS</u>	<u>96-99</u>
	<u>SCOA No 1969/2001 from H.C</u>	<u>1 to 2</u>
	<u>Qu. word. No 1346/01 DT 10.9.01</u>	
	<u>Order Date 03/10/02</u>	<u>(23 pages)</u>

~~MS/462/99~~  
~~MS/462/98~~

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