




OA 27/89

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Serial No. of Order	Date of Order	Order with Signature
8	12.11.91	<u>M.A. 220/91</u> <u>M.A. 221/91</u> Both the petitions be placed before the next Division Bench. <div style="text-align: right;">  Vice-chairman </div>
9	4.2.92	<u>M.A. 220/91</u> <u>M.A. 221/91</u> This common order will govern both the cases mentioned above. Misc.application No.220/91 is for restoration of Original Application No.27/89 which was dismissed for default on 5.7.1990. Misc.application No.221/91 has been filed with a prayer for condonation of delay. We have heard Mr.Dhalasamant, learned counsel for the petitioner and Mr.B.Nayak and so also Mr.A.K.Mishra, learned Standing Counsel for the Central Government, Orders, reserved. <div style="text-align: right;">  VICE-CHAIRMAN  MEMBER (ADMINISTRATIVE) </div>
10	.2.92.	<u>M.A. 220/91.</u> <u>M.A. 221/91.</u> M.A.220/91 has been filed by the applicant praying that order no.5 dtd.5.7.90 by which the case was dismissed for default may be recalled and the case restored for hearing. M.A.221/91 has been filed for condoning the delay in filing the M.A.for restoration. It is submitted By Mr.Dhalasamanta, learned counsel for the petitioner that when the case was called for hearing on 5.7.91, the previous counsel for the applicant was absent. The previous counsel appearing for the applicant did not take any steps for

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		<p data-bbox="791 328 854 365" style="text-align: center;">-2-</p> <p data-bbox="344 377 1489 572">restoration of the case nor did not ^{he} he inform the applicant that his case had been dismissed. Therefore, there was so much delay in filing the petition for restoration.</p> <p data-bbox="344 584 1536 1169">From a scrutiny of the order sheet it is seen that after the first hearing on 24.1.89 no body has appeared for the applicant on four different occasions when the case was called. It is the duty of the applicant to be vigilant and pursue his case diligently. The mere fact that his counsel has not followed up the case does not exonerate him. In view of this, we are unable to accept the applicant's prayer for recalling the order of dismissal passed on 5.7.90. Both the M.As. are dismissed, accordingly.</p> <div data-bbox="854 1157 1317 1388" style="text-align: right;"><p><i>ken</i> Vice-Chairman.</p><p><i>H. Lawrence</i> Member (Administration).</p></div>