

M. Mallick -Vrs- UOI

Admission Sl.No.02

O.A. No.307/11

Order dated 5<sup>th</sup> December, 2016

**CORAM**

**HON'BLE SHRI A. K. PATNAIK, MEMBER (J)**

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None for the applicant even after second pass over. This O.A. was filed in the year 2011. For the first time, it came up on 20.05.2011 on which date on the prayer made by the Ld. Counsel for the applicant the matter was adjourned to be taken up after removal of defects. After that the applicant Counsel did not take any steps and in the meantime, long five years have elapsed. Therefore, Registry was listed this matter on 24.10.2016 on which date on the prayer made by the Ld. Counsel for the applicant, the matter was directed to be listed on 10.11.2016. On 10.11.2016 none appeared for the applicant and Mr. T. Rath, Ld. Standing Counsel for the Respondents-Railways also submitted that he has not received the copy of the O.A. as per the undertaking given by the Ld. Counsel for the applicant. Therefore, the following order was passed:-

“None for the applicant. On 24.10.2016 when the matter was taken up, Mr. T. Rath, Ld. Standing Counsel for the Respondent-Railways submitted that he has not received the copy of the O.A., and on the undertaking given by Mr. B. Barik, Ld. Counsel for the applicant, to remove the defects within two weeks’, and to serve the copy of the O.A. on Mr. Rath, the matter was directed to be listed after two weeks. Till date neither the defects have been removed nor copy of the O.A. has been served on Mr. Rath. I find that this O.A was filed on

11.05.2011. In the meantime, more than five years have been elapsed and till date no steps have been taken by the applicant/Counsel to remove the defects and to serve the copy on Mr. Rath and also to list it for admission. It seems that the applicant is no more interested to pursue this matter. Therefore, it is not proper to keep this matter pending. However, to give a last opportunity to the applicant, Registry is directed to list this matter on 05.12.2016 for admission. I make it clear that if none appears for the applicant or no steps are being taken by the applicant to represent his case on the date fixed, then it will be presumed that the applicant does not want to pursue the matter and the same will be dismissed for none prosecution.

2. Copy of this order be transmitted by the Registry to the applicant by tomorrow in his address given in the cause title of the O.A. by speed post."

2. In view of this, I presume that the applicant is no more interested to pursue this matter and therefore, the O.A. is dismissed on the ground none prosecution. Mr. T. Rath, Ld. Standing Counsel for the Respondents-Railways is present and heard.

  
**MEMBER(J)**

K.B.