

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

M.A. 131/2003
(O.A. 1519/1996)

Date of order: 24.07.2003

Present : Hon'ble Mr. B.P. Singh, Administrative Member.
Hon'ble Mr. N. Prusty, Judicial Member.

Chandu Balmiki

- v e r s u s -

Union of India and Ors.

(E. Railway)

For the applicant : Mr. K.N. Roy, counsel.
For the respondents : Mr. P.K. Arora, counsel.

O R D E R

B.P. Singh, AM

This application has been filed for restoration of O.A. 1519/96 which was dismissed for default by the Tribunal on 25.2.2003.

2. Ld. counsel Mr. Roy is present today for the applicant. The reason for his absence on 25.2.2003 given by him at para 2 of the M.A. appears to be genuine. We are inclined to agree with the prayer.

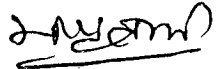
3. Sri P.K. Arora, Id. counsel for the respondents is present. He submits that barring the present application, four Misc. applications for restoration of the O.A. have already been filed by the Id. counsel for the applicant and in all respects, the applications were allowed and restored to their original files and numbers. Therefore, it has become a routine affair of the Id. counsel in this case for filing M.A. for restoration of the O.A. Hence the same should not be restored and if it is restored, heavy cost may be imposed so that Id. counsel for the applicant may be debarred ~~himself~~ from filing such application in future. Ld. counsel for the respondents also submits that he ~~has already~~ ^{filed} reply to the M.A. for restoration.

4. We consider the submission of both the Id. counsels. No doubt it is teasing to file restoration application time and again in the said O.A. Since the reason given in the present M.A. appears to be genuine and submission made by the Id. counsel for the applicant that the present application may be allowed as a last chance, we are inclined to restore the O.A. by recalling the order dated 25.2.2003 passed in O.A. However, keeping in view the submission of the Id. counsel for the respondents, we are imposing a cost of Re.1/- as a token cost on the Id. counsel for the applicant and the said amount of Re.1/- may be paid by the Id. counsel to the Id. counsel for the respondents in the court today.

5. In view of the above order dated 25.2.2003 passed in O.A. No. 1519/1996, ^{O.A.} is recalled and restored to its original file and number. M.A. is disposed of accordingly. O.A. may be listed for hearing on 29.09.2003.



Member (J)



Member (A)