

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. MA 44 of 2000
MA 45 of 2000
(OA 1139 of 91)

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman
Hon'ble Mr. B.P. Singh, Administrative Member

AMAR KAYAL

VS

UNION OF INDIA & ORS.

For the applicant : Mr. T.K. Haldar, counsel

For the respondents: Ms. U. Bhattacharyya, counsel

Heard on : 3.3.2000

Order on : 3.3.2000

O R D E R

S.N. Mallick, VC

We have heard the ld. counsel appearing for the petitioner in connection with the MA 45/2000 which is an application for condonation of delay in the matter of filing the MA 44/2000 which is for restoration of the OA 1139/91 which was dismissed for default on 8.11.99. In this application for condonation of delay it is stated that the advocate-on-record for the petitioner was engaged in other works in some other Court and as such he could not attend the Court when the OA was called on for hearing and it is also stated that the petitioner was personally present on 8.11.99 but he could not respond appropriately when the matter was called. We are not satisfied with the explanation of the delay. If the petitioner was actually present in the Court on 8.11.99 his present would have been noted in the order of dismissal of the OA. Furthermore his lawyer was engaged in some other Court is not a sufficient cause for condonation of delay or for allowed the application for restoration. The OA was dismissed for default on 8.11.99 and the application for restoration along with the

application for condonation of delay was filed on 18.1.2000 i.e. beyond the period of limitation. (3)

2. After hearing the ld. counsel for the petitioner, we are not satisfied that there is any sufficient cause for condonation of delay or any sufficient cause which prevented the petitioner to be personally present in the Court when the matter was called for hearing. In view of the above the MA 44/2000 and MA 45/2000 stand dismissed.

J. N. Yerwani

MEMBER (A)

in


S. S.
VICE-CHAIRMAN