

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

M.A. 125/2003
(O.A. 373/1997)
M.A. 126/2003

Date of order: 24.07.2003

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

Jay Prakash

- v e r s u s -

E. Railway

For the applicant : Mr. A.K. Bairagi, counsel.
For the respondents : Mr. M.K. Bandyopadhyay, counsel.

O R D E R

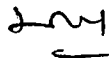
BP. Singh, AM

M.A. 125/2003 in reference to O.A. No. 373/1997 has been filed for restoration and M.A. No. 126/2003 has been filed for condonation of delay in filing the restoration of the O.A. 373/1997. The applicant has explained the reason for which his Id. counsel was not present on 3.1.2003 when the O.A. No. 373/1997 was dismissed for default. He has also explained the delay in filing the application for restoration on 19.03.2003 by an M.A. 126/2003 and prayed for condonation of delay in filing restoration application.

2. Mr. A.K. Bairagi, Id. counsel is present for the applicant and Mr. M.K. Bandyopadhyay, Id. counsel is present for the respondents.

3. Id. counsel for the respondents opposes both M.A.s for restoration as well as condonation of delay. He submits that day to day delay has not been explained in the condonation of delay application bearing No. 126/2003 and, therefore, he opposes M.A. 126/2003 and accordingly opposes the other M.A. 125/2003. He submits that the delay should not be condoned and the M.A. for restoration should be rejected.

4. After hearing both the Id. counsels and going through the M.A., we are of the view that delay should be condoned in view of the position



explained in the M.A. 126/2003 and prayer made in the M.A. 125/2003 for restoration of the application by recalling the order dated 3.1.2003 passed in O.A. No. 373/1997 *should be allowed*.

5. We accordingly allow the restoration application as well as condonation of delay application and restore the O.A. to its original file and number by recalling order dated 3.1.2003. O.A. may be listed for hearing on 30.09.2003.

Member (J)

Member (A)

- (a) SI No of the "Appln"
- (b) Name of the applicant
- (c) Dt. of presentation or application for copy
- (d) No. of pages
- (e) Copying fee charged: urgent or ordinary
- (f) Dt. of preparation of copy 01/8/2003
- (g) Dt. of delivery of the copy to the applicant