IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. M.A. 509 of 2003
M.A. 510 of 2003
(O.A. 989 of 1997)

Date of Order : 13.11.2003.

Present : Hon'ble Mr. Nityananda Prusty, Judicial Member

Hon'ble Mr. N. D. Dayal, Administrative Member

Shri subit Kumar Das

vs.

A I R

For the applicant : Mr. D. Basu Mallick, counsel

For the respondents : Ms. K. Banerjee, counsel.

O R D E R

MR. NITYANANDA PRUSTY, JM:

Heard Mr. D. Basu Mallick, ld. counsel for the applicant and Ms. K. Banerjee, ld. counsel for the respondents.

2. Initially the applicant filed O.A. No. 989 of 1997 along with M.A. No. 435 of 1997. Again the applicant filed M.A. No. 335 of 2001 for an interim direction. The O.A. No. 989 of 1997 along with M.A. No. 435 of 1997 were dismissed for default on 05.09.2003. Hence the applicant has filed the present M.A. No. 509 of 2003 for recalling the order dated 05.09.2003 and ж restoration of both O.A. No. 989 of 1997 and M.A. No. 435 of 1997 to its file. Since there is a delay of about 22 days in filing the above application for restoration (M.A. 509 of 2003), the applicant has filed an application for condonation of delay i.e. M.A. No. 510 of 2003.

3. We have gone through the averments made in both the applications for restoration and condonation of delay and heard ld. counsel for both the parties. We are satisfied that there is good ground for condoning the delay and for

recalling the order dated 05.09.2003 and restoring the O.A. to its file. Accordingly the prayer for condonation of delay made in M.A. 510 of 2003 is allowed. Delay in filing the application for restoration is condoned and prayer made in M.A. 509 of 2003 is also allowed. Order dated 05.09.2003 passed in M.A. 435 of 1997 and O.A. 989 of 1997 is recalled and both the M.A. No.435 of 1997 and O.A. No. 989 of 1997 are restored to file. Let the above O.A. and M.A. be listed for orders on 04.01.2004. Accordingly both the M.A. No. 509 of 2003 and M.A. 510 of 2003 are allowed/disposed of. No order as to costs.

MEMBER(A)   MEMBER(J)

ASVS.