

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. MA 22 of 2003  
MA 23 of 2003  
(OA 956 of 97)

Date of order.: 8.8.03

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman  
Hon'ble Mr. S. Biswas, Administrative Member

BHABANI PRASAD GHOSH & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : Ms. B. Banerjee, counsel

For the respondents: Mr. P. K. Arora, counsel

O R D E R

Justice B. Panigrahi, VC

The application for restoration of OA 956/97 has been filed after the prescribed period of limitation along with the application for condonation of delay. It is true that the application was filed with 32 days' delay. In the application for condonation of delay as well as in the other application for recalling the order passed in OA 956/97 it has been stated that due to indisposition of the applicant he could not appear on that date to give necessary instruction to his lawyer. As a reason whereof the ld. counsel could not proceed further and the matter was allowed to be dismissed for default. The Court while rejecting the application has taken into consideration about the previous conduct of the applicant for having several adjournments for his absence. While considering the application for recalling the order or restoring an application the Court should look as to whether the applicant was prevented by any sufficient cause from appearing in the Court on that particular date but not the previous dates.

2. Taking into consideration the facts and situations we allow the application for condonation of delay and restoration application. The MAs thus stand disposed of.

3. OA be listed for hearing on 17.11.03.

*S. Biswas*  
MEMBER(A)

*B. Panigrahi*  
VICE-CHAIRMAN