

OA file
10

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR
Copy of order dated 15.9.2000 passed in M.A. No. 150/2000
in C.A. No. 68/99

Bulsi Ram Vs. Union of India & Ors.

Mr. D.K. Chouhan, Adv. Brief holder for
Mr. D.K. Parihar, Counsel for the applicant.

Considered the application for issuance of show cause notice to the respondents. The O.A.No. 68/99 was dismissed for non-prosecution on 18.7.2000 because Shri S.R.Jain, Advocate, who was representing the applicant had pleaded no instructions on that date.

It is argued by the learned advocate that the case is fit to be restored to its original number as the applicant cannot be made to suffer on account of his advocate who had pleaded no instruction. We have considered the arguments and have gone through the case file. In our opinion, the applicant should have been in touch with his advocate for effectively prosecuting the case. The applicant cannot be allowed to drag the case once he had secured stay order against the impugned order. The applicant had enjoyed the stay order for almost one and a half year, against the order cancelling the mutual transfer order. The stay order was vacated at the time of dismissing the case, therefore, no useful purpose would be served in ordering restoration of the case ultimately. In our opinion, there is no sufficient ground to restore the case to its original number. Moreover, the case was dismissed on 18.7.2000 and the application for restoration was moved on 7.9.2000 i.e. 20 days after the statutory period of limitation for restoration. In such matters there is no provision for condonation of delay. In fact in such matters, the limitation starts running from the date of order and not from the date of knowledge. Thus, the delay in moving the application cannot be condoned on this ground. The application is hit by limitation.

For the aforesaid reasons, we do not find any force in this application. The M.A. is, therefore, dismissed in limine.

SD/-

(GOPAL SINGH) प्रमाणित सही प्रतिलिपि
MEMBER (A)

SD/-

(A.K. MISRA)
MEMBER (J)

ग्रन्तु भाग अधिकारी (न्यायिक)

केन्द्रीय प्रशासनिक अधिकरण

लोकपाल