

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

ORDER SHEET

APPLICATION NO.....OF

Applicant(s)

Respondent(s)

Advocate for

Advocate for

Applicant(s)

Respondent(s)

Notes of the Registry

Orders of the Tribunal

OA No. 12/2004

Date of Order: 28.10.2009

None is present for the applicant. On behalf of the respondents, Mr. Sall Trivedi, advocate, is present.

Today, the case was called out for hearing but none appeared on behalf of the applicant. Even the applicant is not physically present in the Court.

From the perusal of the order-sheet dated 05.09.2008, it appears that on previous occasion also the learned advocate of the applicant remained absent and so on 05.09.2008, the Court observed that if the learned counsel for the applicant is not present on the next date of hearing i.e. 12.09.2008, the court will be constrained to decide this matter on the basis of pleadings and available record.

It further transpired that even after 05.09.2008, this O.A. was adjourned for several dates but on those dates also, neither the applicant nor his lawyer appeared in the Court.

All these facts established that the applicant is not interested in prosecuting this Original Application. The law is very clear on this point that if on the date of hearing, the applicant or the applicant's lawyer remains absent, the case can be dismissed in default. In this case, consecutively the applicant's lawyer has been absent; hence, this O.A. deserves to be dismissed for non-prosecution.

In such view of the matter, this O.A. stands dismissed for non-prosecution.

[Dr. K.S. Sugathan]
Administrative Member

[Justice S.M.M. Alam]
Judicial Member

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