

CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR

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OA Nos. 192 (with M.A. No. 111/2008), 193 (with M.A. No. 112/2008), 194 (with M.A. No. 113/2008), 259, 260, 283, 284, 285, 286, 287, 288, 289, 290 and 310 all of 2006

Date of Order: 22.10.2008

The Original Application Nos. 283, 284, 286, 287, 289, 290 and 310 all of 2006 are seen to await still notice to the applicant. In the rest of the Original Applications Nos. 192, 193, 194, 259, 260, 285, 288, all of 2006, learned counsels for the applicants Mr. J.K. Mishra and Mr. A.K. Kaushik are on record in common, out of whom Mr. J.K. Mishra, advocate, is present before us.

2. In so far as, the respondents are concerned, in all these matters, Mr. Vinit Kumar Mathur, ASGI is the counsel for respondents no. 1 to 5 who is represented before us by Mr. Mahendra Godara, advocate.

3. Mr. Mishra, learned counsel for the applicants, prayed for adjournment of all these matters, to which, at the outset, Mr. Godara, learned counsel for the respondents, raised a general objection submitting that these are the cases which have given rise to the episode of boycott by Jodhpur CAT Bar ^{Association} when the Bench after hearing objections for adjournment, adjourned the matters at the request of applicants' late counsel, by however awarding costs in the month of March, 2008.

4. Learned counsel for the applicants submitted that all these matters were handled by late Mr. Y.K. Sharma in the month of March, 2008. Subsequently, Mr. Sharma ^{who during summer vacation and} passed away ^{in the} ~~in the~~ ^{life of} course of boycott and some of the OAs have come to Mr. J.K. Mishra's hands. Thereafter, this is the first time, being a new counsel, adjournment is prayed for by Mr. Mishra, besides submitting that in certain matters the records are incomplete and in some OAs there are MAs and that it is also contemplated to file MAs in rest of the OAs. All OAs having common issue and for the reasons aforesaid, the matter might be adjourned.



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5. When the Bench pointed out that the reasons submitted by the applicants' ^{new set} counsel now seems to contain some weightage as aforesaid, what is the response of the respondents counsel in this regard.

6. Learned counsel for the respondents then submitted that ultimately he does not have any objection for those OAs in which Mr. J.K. Mishra is appearing as a new counsel for being adjourned but those OAs where applicants notice is still awaited there is apprehension that those applicants may not come to the Court for hearing or more so these cases since contain different issues from the other OAs in which Mr. Mishra is appearing, at least these OAs where notice is awaited could be heard today by the Bench.

7. When the question was then posed to the applicants counsel by the Bench as to whether or not Mr. Mishra would be appearing in those cases where notice is still awaited, reply came that it could not be definitely said as on date as to whether or not he would be appearing but he might appear as soon as instructions come from the concerned applicants and that therefore it would be better to adjourn these OAs also where notice is still awaited, besides the point that it is not fair to hear ex-parte those cases where notice has not been served as per law, as sought for by the respondents counsel.

8. In this regard, the Respondents' counsel ultimately submitted that the Bench might adjourn all these cases provided it is observed that no more adjournment would be given on the next date or ^{if} ~~if~~ the applicants counsel would not ask for further adjournment on the next date of hearing, to which learned counsel for the applicant, Mr. Mishra agreed accordingly.

9. The Bench has also directed the learned counsel for the applicant to know before hand as to whether he would be appearing in those OAs where notice is still awaited thereby it

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would facilitate both the sides to argue conveniently and for the Bench also.

10. Accordingly, ~~to ensure that no more adjournment takes place on the next date of hearing,~~ Whether or not the same counsel for the applicants appears in the rest of the cases where notices are awaited for the applicants, it is also made clear that, as submitted by the respondents counsel, that no more adjournment would be granted in these matters from the next date of hearing fixed for 10.11.2008.

11. Meanwhile, fresh notices may also be issued by the Registry to those applicants from whom notices are awaited as a safety measure of giving additional time.

12. Under the aforesaid circumstances, all the matters are adjourned to 10.11.2008 finally.

The Registry is directed to place original copy of this order in O.A. No. 192/2006 and certified copies of the same in the rest of the OAs.


Sd/-
[N.D. Raghavan]
Administrative Member

Sd/-
[N.D. Raghavan]
Vice Chairman

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23.10.2008

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N.D. Raghavan
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National Human Rights Commission
Jodhpur Bench Jodhpur

PAGE NO. _____
CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR
ORDER-SHEET

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Orders of the Tribunal

Date of Order : 10.11.2008. - OA No. 285/2006

Mr. J.K.Mishra, for the applicant.

Mr. Mahendra Godara for Mr. Vineet Mathur, for respondents.

The learned counsel Mr. J.K. Mishra, for the applicant submits that the applicant is not pressing this O.A. as perhaps the applicant got the relief. Indeed, the learned counsel Mr. Mahendra Godara for Mr. Vineet Mathur, representing respondents No. 1 to 5, has no objection thereto.

In the result, this O.A. is dismissed in limine as _____
withdrawn.

(Tarsem Lal)
AM

(N.D.Raghavan)
VC

~~Part II and III destroyed~~
in my presence on 19/12/14
under the supervision of
section officer (J) as per
order dated 19/1/2014

Section officer (Record)

R/c
Smt. K. A. V.
18/11/18
VSN