

इ.प्र.म. (प्रक्रिया) नियमावली के नियम 22 के अन्तर्गत बि: शुल्क प्रति

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

Misc. Application No. 45/2007
in
Original Application No. 83/2006

DATE OF ORDER: 16.03.2007

CORAM:

HON'BLE MR. R.R. SHANDARI, ADMINISTRATIVE MEMBER

Sishnu Prasad S/o Shri R.J. Prasad, aged about 56 years. At present posted as Assistant Engineer (Electrical) Central Electrical Sub Division, CPWD, Jaisalmer. Residential Address: Pocket B-7, House No. 5, Sector 4, Rohini, Delhi.

...Applicant.

Mr. Vivek Shah, counsel for the applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Water Resources, Department of CPWD, New Delhi.
2. The Director General (W), CPWD, Nirman Bhawan, New Delhi.

...Respondents.

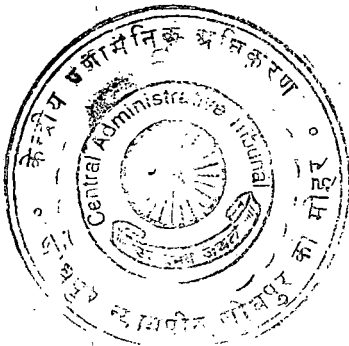
Mr. M. Godara, proxy counsel for
Mr. Vinit Mathur, counsel for respondents.

ORDER (Oral)

This Misc. Application No. 45/2007 has been filed for restoration of the O.A. No. 83/2006. The said O.A. was dismissed on 19.02.2007 as none appeared on behalf of the applicant on 14.02.2007 as well as on 19.02.2007.

2. Learned counsel for the applicant requested for restoration of the said OA. The reasons put forth are as below:

"That the present case was listed before the Hon'ble Tribunal on 19th February, 2007. However, the counsel



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for the applicant could not attend the case as he got held up in D.B. Civil Special Appeal No. 849/2006 (State vs. Ramesh Kumar) wherein after hearing the arguments on 19.2.2007 judgment was dictated in open court. Unfortunately on that date none of the colleagues in applicant's counsel office were present in Court, thus they too could not be entrusted to attend and argue the present case. It is quite unfortunate in the present case that earlier also the O.A. was dismissed for non-prosecution on 17.10.2006."

3. It is seen from the record that the said OA was dismissed earlier on 17.10.2006, the relevant extract from the order is reproduced below:

"None is present on behalf of the applicant even in the second round. For the last three occasions also nobody was present for the applicant. It seems that the applicant is not interested in prosecuting his case. The Original Application is, therefore, dismissed for want of prosecution. A copy of this order may be directly sent to the applicant."

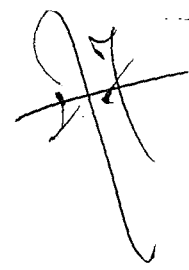
The O.A. was restored vide order dated 14.11.2006.

4. The O.A. was again dismissed on 19.02.2007, the extract from the order is reproduced below:

"The present O.A was earlier dismissed vide order dated 17.10.2006, for non prosecution. Thereafter, the applicant has filed M.A No. 130/2006 for restoring the O.A. Vide order dated 14.11.2006, the O.A was restored to its original number and listed for admission on 18.12.2006. On 18.12.2006, the learned counsel for the applicant prayed for adjournment and the O.A was accordingly adjourned to 14.02.2007. On 14.02.2007,

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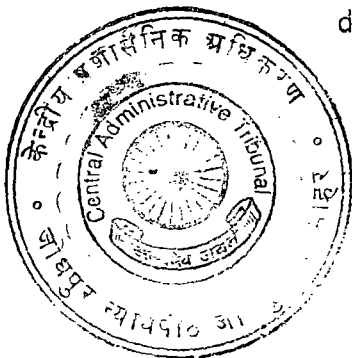


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none was present on behalf of the applicant and the O.A. was posted to today (i.e. 19.02.2007). Today when the case has been taken up again none was present. It shows that the applicant is not interested in pursuing the matter. In view of the above position the O.A. dismissed. No costs.

5. It is seen that three advocate namely Mr. R.S. Saluja, Mr. Praveen Choudhary and Mr. H.S. Shekhawat were representing the applicant in the O.A but none was present for the applicant on the occasions mentioned above.

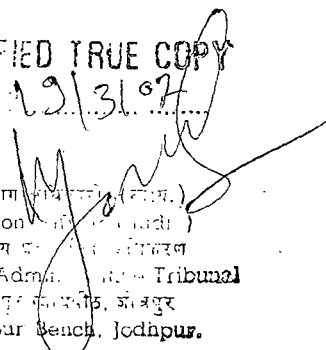
6. The reasons are not convincing as the O.A. was being dealt by three advocates on behalf of the applicant and none bothered to attend in spite of given enough chances. The M.A. do not have force and the same is dismissed.



/Kumawat/

sd-
[R.R. Bhandari]
Administrative Member

CERTIFIED TRUE COPY
Dated 12/3/07


अनुभाग प्रमुख (न्याय)
Section Officer (Judicial)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
जोधपुर न्यायपीठ, जोधपुर
Jodhpur Bench, Jodhpur.