

In the Central Administrative Tribunal
Calcutta Bench

MA 251 of 1998
(OA No. 716 of 1997)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Kalyani Prava Dhar & Anr.

Vs.

Government of India Press

For the Applicant : Mr. A.M. Roychowdhury, Ld. Advocate

For the Respondents: Ms. B. Ray, Ld. Advocate

Heard on : 15.7.98

Date of Order : 15.7.98

ORDER


This application has been filed by the applicant for setting aside the order of dismissal for default passed on 8.6.98 by this Tribunal stating the ground that none appeared on behalf of the applicant. Ld. Advocate Ms. Ray is present on behalf of the respondents. It is found that neither the applicant nor his advocate appeared before this Tribunal on last 3 consecutive dates. So, the application is dismissed for default. In the instant application the applicant did not assign any reason for which neither the applicant nor his advocate appeared before this Tribunal on the last 3 occasions. Applicant never disclosed any reason of their non-appearance before the Tribunal on 8.6.98 when the case was dismissed for default. Ld. Advocate of the applicant submits that he is practising in the City Civil Court Bar Association and on 8.6.98

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he could not reach the Hon'ble Court in time when the matter was called for hearing. But applicant remained silent about the other dates for which the application has been dismissed for default.

2. In view of the aforesaid circumstances, I am of the view that no sufficient cause has been disclosed in the application for setting aside the dismissal order passed by this Tribunal. However, Ld. Advocate of the applicant submits that applicant had filed this application for appointment on compassionate ground by the respondents. He also submits that if the application is not restored, applicant will suffer irreparable loss. In view of the circumstances and ^{the written} objection ^{filed} raised by the ^{Ld. Advocate of the respondents} Ld. Advocate of the respondents, I am of the view that for the interest of justice application can be restored subject to payment of cost of Rs.200/- to the respondents. Accordingly, the application is allowed with a direction upon the applicant to pay cost of Rs.200/- to the respondents. Accordingly, Original Application 716 of 1997 is restored after setting aside the order of dismissal dated 8.6.98. Respondents are directed to file reply in the Original Application within three weeks from to-day as prayed for by the Ld. Advocate of the respondents.


(D. Purkayastha)
Member (J)