

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. M.A. 153 of 1999
(O.A. 453 of 1997)

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

PANNA LAL

VS.
UNION OF INDIA & ORS.

For the applicant : Mr. S. Singh, counsel

For the respondents : Mr. B.K. Chatterjee, counsel

Heard on : 5.5.99

Order On : 5.5.99

ORDER

Heard 1d. counsel for both the parties.

2. Ld. counsel Mr. S. Singh appearing on behalf of the applicant, submits that the applicant had appointed Mr. Kedarnath Yadav for conducting his case. But the case was taken up for hearing, Mr. Yadav did not appear before this Tribunal. So, the case has been dismissed for default due to laches on the part of the advocate for the applicant. Thereafter, the applicant filed this M.A. for restoration of the O.A. So, the applicant is in no way responsible for dismissal of the matter.

3. Ld. counsel Mr. B.K. Chatterjee appearing on behalf of the respondents submits that the application is not maintainable in view of the fact that the original advocate has not filed an application for restoration of the O.A. and 1d. counsel Mr. Singh was appointed subsequently after passing of the order of dismissal. So, the application is liable to be dismissed.

4. I have considered the submissions made by the 1d. counsel for both the parties. I find that the applicant has no fault in this regard since he appointed 1d. counsel Mr. Yadav to conduct his case and there is laches on the part of the advocate concerned who accepted the brief of the case from the applicant.

5. In view of the aforesaid circumstances, the original application bearing No. 453/97 is hereby restored after setting aside the order dated 19.2.99. Accordingly the M.A. is disposed of and the O.A. 453/97 will come up for hearing on 11.6.99.
6. No order is passed as to costs.


(D. PURKAYASTHA)
MEMBER(J)

S.M.