

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400614

TRANSFERRED APPLICATION NO. 124/87

The Union of India
represented by General Manager
South Eastern Railway
Calcutta

Appellant
(Defendant No.1)

V/s.

1. Mr. Dandpani S/o. Bharat Maharana
Khalasi, Block Department, Gondia
r/o Gadda toli, Gondia, Dist. Bhandara

Respondent no. 1
(Plaintiff)

2. Mr. Janardhan S/o. Laxman Kamli
Carpainter, Block Deptt., Gondia
through BSI West, S.E. Rly, Gondia,
r/o Poona Toli, Gondia
Tah. Gondia, Dist. Bhandara

Respondent no. 2
Defendant No.2

Coram : Hon'ble Vice Chairman B C Gadgil
Hon'ble Member(A) J G Rajadhyaksha

Appearance:

Mr. S.V. Ganguly
Senior Clerk
for the Appellant

Mr. H D Rathod
Advocate
for the Respondent no.1

TRIBUNAL'S ORDER
(Per: B C Gadgil, Vice Chairman)

Dated : 3.2.1988

Mr. S.V.Ganguly, Senior Clerk of the Railways
present. Mr. H D Rathod, Advocate, for the respondent,
Mr. D B Maharana, present.

2. Mr. Ganguli submits that the hearing of this
matter may be adjourned as his advocate is not able to come.
Mr. Rathod objects to the adjournment on the ground that
he and his client have come from Gondia. The to and fro
railway fare for both of them would be about Rs. 400 and

that his client would not be able to attend the Tribunal again for next hearing. In our opinion this difficulty can be solved by asking the Appellant (Applicant) i.e., the Railways to pay to the respondent no. 1 the costs of adjournment of to-day and by directing that such payment would be a condition precedent for adjournment. To be specific, the Transferred Application No. 124/87 would stand dismissed for default if the costs are not paid as directed by this order.

3. On the Applicants (Appellants in Appeal No. 45/85) paying to the respondent Mr. D B Maharana, at Gondia, the quantified costs of Rs. 500 (Rupees five hundred only) on or before 24.2.1988, the hearing of this application stands adjourned to 16.3.1988. We further make it clear that the Transferred Application No. 124/87 shall automatically stand dismissed for default if the costs of Rs. 500/- are not paid on or before 24.2.1988; and in that case the respondent and his advocate need not remain present on 16.3.1988:

(J G Rajadhyaksha)
Member(A)

(B C Gadgil)
Vice Chairman

Hear the arguments & Mr. Raje and
Mr. Nani. The matter is adjourned to
28.3.1988 for judgment.

B. C. Gadgil
16.3.1988

16/3/88
95