

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO.612/2001  
DATED THE 3RD DAY OF DECEMBER, 2001

CORAM:HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE CHAIRMAN  
HON'BLE SMT. SHANTA SHAstry, MEMBER(A)

Rohtas Punia working as  
Inspector of Central Excise,  
Mumbai VI Commissionerate,  
and resited at Q.R.No.256,  
Building No.11, Awxroe-VII,  
CGS Colony, Antop Hill,  
Mumbai - 400 037.

... Applicant

V/s.

1. Union of India through the  
Secretary to the Government  
of India, Ministry of Finance,  
Department of Revenue,  
New Delhi.

2. Commissioner of Central Excise,  
Mumbai VI, Navprabhat Chambers,  
4th Floor, Ranade Road,  
Dadar(W), Mumbai - 400 028.

... Respondents

(ORAL)(ORDER)

Per Smt. Shanta Shastry, Member(A)

The applicant has filed MP-952/2001 for restoration of OA No.612/2001 which was dismissed for non prosecution by order dated 27/8/2001. The reasons given in the MP are that the applicant was busy in his urgent and important office work and therefore he could not attend the Tribunal on the said date of hearing. Though notices dated 8/8/2001 and 20/6/2001 were received by the applicant, but he was not present on the aforesaid dates of hearing.

2. The applicant has also filed MP-953/2001 for condonation of delay. Though the order was passed by the Tribunal dismissing the OA on 27/8/2001, the applicant has filed the present application on 5/10/2001. There is delay even in filing the

application for restoration. That apart, the applicant had not even removed the office objections which were raised at the time he submitted his application.

3. The application relates to an enquiry conducted against the applicant. After conducting the same, the disciplinary authority punished the applicant with reduction in pay by two stages for a period of one year with effect from September 1999 without any cummulative effect and not adversely effecting his pension. Being aggrieved the applicant filed an appeal before the Chief Vigilance Officer, Customs and Central Excise. The Appellate Authority reduced the penalty instead of two stages the pay was reduced by one stage for one year.

4. Since inspite of having given due notices, the applicant was not present on both the occasions <sup>1</sup> and his application was therefore rightly dismissed for non prosecution. He had also not removed the objections. The applicant has approached this Tribunal belatedly for restoration of OA. Considering that the applicant has no satisfactory explanation for his absence on the dates fixed for hearing, in our considered view, there is no case for restoration of the OA. Accordingly both the MPs are dismissed.

*Shanta*  
(SMT. SHANTA SHAstry)  
MEMBER(A)

*B. Dikshit*  
(BIRENDRA DIKSHIT)  
VICE CHAIRMAN

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