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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1030/93.

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DATE OF DECISION 3.1.94

Shri B.K. Upasani Petitioner

Advocate for the Petitioners

Versus

Union of India and others Respondent

Shri S.C. Dhawan Advocate for the Respondent(s)

CORAM:

• The Hon'ble Shri N.K. Verma, Member (A)

The Hon'ble ~~xxxx~~ Smt. Lakshmi Swaminathan, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships' wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

N.K.Verma

(N.K.Verma)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1030/93

Shri B.K. Upasani

... Applicant.

v/s.

Union of India and others.

... Respondents.

CORAM: Hon'ble Shri N.K. Verma, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Appearance:

None for the
applicant.

Shri S.C.Dhawan, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 3.1.94

¶ Per Shri N.K. Verma, Member (A) ¶

This is the second time the applicant or his counsel has chosen to remain absent on the date fixed for admission hearing. Shri Dhawan has filed reply and states that the applicant had no case at all, as he had not completed 20 years of service to entitle him the benefit of voluntary retirement. He was directed under the impugned order dated 17.12.90 that he could apply for an un-conditional resignation if he so desired. The respondents had also indicated that in case the resignation was accepted he will be paid the settlement dues as permissible under rules.

Shri Dhawan also pointed out that this OA was time barred, in view of the fact that the application has been filed on 21.9.93, clearly beyond a year after the date of cause of action arose. OA is therefore dismissed firstly for non- prosecution and also on merits.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

N.K. Verma
(N.K. Verma)
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(9)

BOMBAY BENCH, BOMBAY.

Review Petition No. 134 of 1994
in
O.A. No. 1030 of 1994.

Dt. 16-1-95

B.K. Upasani

..... Petitioner

v/s.

Union of India & Ors.

..... Respondents

PER HON'BLE SHRI N.K. VERMA, MEMBER (A)

This is a Review Petition against the order dated 3.1.94 in which the OA was dismissed both for non-prosecution and also on merits. In the Review Petition, the applicant has moved for restoration of the case on the ground that he was not able to ^{be} present on 4.1.94 due to the train from Nasik to Bombay in which he was travelling got late. Besides, he submits that he has a good case on merit and has got all chances of success in the matter.

We have gone through the Review Petition. Petitioner has not brought any new facts to the notices of the Tribunal for review of the order made earlier. The order dated 3.1.94 is a reasoned order in which it has been indicated that the case has been dismissed firstly for non-prosecution and also on merits. The applicant has mentioned in the R.P. that he was delayed in coming to Bombay from Nasik by the Panchvati Express on 4.1.94 ^{he} thus ^{was} not able to ^{be} present in the Court. Factually, this submission is not acceptable in view

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of the fact that our order dismissing the petition is dated 3.1.94. This shows lack of anxiety on the part of the applicant to prosecute the OA seriously. Besides, our order dated 3.1.94 was also based on the merits of the case as submitted by the learned counsel for the respondents. In the R.P. none of the submissions ^{made} by the learned counsel for the respondents have been controverted by the applicant. We ~~therefore~~ find the R.P. devoid of merit and therefore, the same is rejected.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

N.K. Verma
(N.K. Verma)
Member (A)