

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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 <sup>be</sup> 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 <sup>he</sup> & thus <sup>he</sup> was not able to <sup>be</sup> 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<sup>made</sup> 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)