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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

MISC. APPLICATION NO. 482 OF 1999

IN

ORIGINAL APPLICATION NO. 1487 OF 1995

FAYYAZ AHMED GHUDULAL NANNIWALE]
residing at Guruwar Peth, Saudagar]
Mohalla, Miraj 416410, employed as]
'Khalasi' in Civil Construction]
Wing(Elect), All India Radio,]
Panji (Goa)] ... Applicant

Versus

1. Union of India,]
Department of Information and]
Broadcasting, Directorate]
General, All India Radio,]
Parliament Street,]
New Delhi 110001]
2. The Superintending Engineer]
(Elect), Civil Construction]
Wing, All India Radio, House]
No. 240, Dharampeth,]
Nagpur 440010]

OR

Near TV Tower, Seminary Hills]
Nagpur 440006 1]

3. The Executive Engineer(Elect),]

Civil Construction Wing, All]

• India Radio, Old Mehta Bungalow]

Ganeshkhind Road, Pune 411016]

OR

Doordarshan Kendra, Worli,]

Bombay 400 025]

4. The Asstt. Engineer(Elect),]

Civil Construction Wing, All]

India Radio, Transmitter]

Building, Bambolim,]

Goa 403 202] .. Respondents

1] The applicant by this application seeks to restore the original application No. 1487/95, which was dismissed by this Hon'ble Tribunal on 13.11.98 for non-prosecution.

2] The applicant has filed the above original application seeking for regularisation of his services in the department of information and broadcasting and also praying for the directions to the respondent to pay all the arrears of the differences in his pay with all other benefits and perquisites of the services. The above original application is admitted by this Hon'ble Tribunal and same is pending in the 'sine di' list for

final hearing.

3] The applicant states that during the pendency of this original application the applicant was terminated by the respondent from the service. Therefore on 6.10.97 the applicant had taken out Misc. Application No. 722/97 for fixing the early date of hearing. However, said application was dismissed by this Hon'ble Tribunal on 22.12.97 directing the applicant to amend the original application.

4] Applicant states that accordingly the applicant had taken out Misc. application No. /98 for amending above original application. The said Misc. application had appeared on board before this Hon'ble Tribunal for orders on 13.11.1998.

5] The applicant states that the Advocate for the applicant who had entrusted the above original application to his junior, Shri R.D.Suryawanshi was not feeling well and was suffering from Malaria since 9.11.98. The applicant states that Doctor has advised him to take bed rest. The applicant crave leave to refer to and rely upon the Doctor's certificate when produced.

6] The applicant states that on 30.11.98 his Advocate received copy of the order dated 13.11.1998 whereby he had been informed that the original application was dismissed for non-prosecution. The applicant further states that as the Misc. application for amending the original application was on board on 13.11.1998, the Advocate for the applicant was under the impression that the said application was dismissed for non-prosecution instead of original application. However after making the enquiries with the office of this Hon'ble Tribunal after receiving the order on 30.11.1998 he came to know that the main original application was itself dismissed for non-prosecution and thereafter the Advocate for the applicant informed the applicant by his letter dtd 8.12.98. Thereafter the said application was prepared. As such due to bonafide mistake of the Advocate, the applicant could not file the present application within time.

7] The applicant states that there is a delay in filing the present application for restoration of the above original application. The applicant most respectfully states and submits that the delay caused on the part of the applicant was neither intentional nor deliberate but due to the illness of the Advocate which was beyond the control of the applicant.

8] The applicant states that in view of the facts mentioned hereinabove the applicant prays that the above original application No. 1487/95 may be restored and to proceed with the same in accordance with the law. The applicant states that he has a very good case on merit and a companion original application No. 1488/95 which was filed by his colleague Shri Sanjay Rau Awaghade has been absorbed by the respondent in the employment on the post of Khalashi.

9] In the circumstances the applicant prays that:-

a] To condon the delay in filing the present application.

b] To restore the original application 1487/95 which was dismissed for non-prosecution on 3.11.98 by this Tribunal and to proceed with the same in accordance with the law;

c] To pass any such other and further orders as this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case.

And for this act of kindness the
applicant shall as in duty bound ever pray.

~~John P. Shi~~
Advocate

(v) Fayyaz Ahmed Nanniwale
Applicant

VERIFICATION

I, FAYYAZ AHMED GHUDULAL NANNIWALE, age about 30 years working as 'Khalassi' in the Office of Civil Construction Wing (Elect), All India Radio, Panji, Goa, resident of Guruwar Peth, Saudagar Mohalla, Miraj 416410, do hereby verify that the contents of paras Nos. 1 to 8 are true to my personal knowledge and I believed to be true on legal advice and that I have not suppressed any material fact.

Date: 9th March, 1999

Place Mumbai

(v) Fayyaz Ahmed Nanniwale
Applicant.

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