

MP No.273/99 in Date: 24-1-2000  
OA No.747/98

Learned Counsel on both sides present and heard.

The ground for non appearance is mentioned in MP is that there was no communication from the Tribunal regarding the OA which was rejected for non-prosecution. We have perused the orders dated 27.7.1998, 21.9.1998 and 16.11.1998 on that dates the applicant was not present. After filing the OA the applicant did not care to remain present on all dates. There is no reason that does not procedure adopted by this Tribunal to inform the applicant regarding the date fixed after filing the OA. In the circumstances the ground is not sufficient one. Further also the MP filed is barred by time.

M.P. No.273/99 is filed on 5.3.1999 while the applicant received the communication on 23.11.1998. In the circumstances M.P. is also barred by time.

It is true that the matter is to be decided on merits but on perusal of the OA and the observation of the Bench that vide order dated 27.7.98, the OA is also appears to be barred by limitation.

In the result, we see no reason to restore the OA, and the result MP stands dismissed with no order as to costs.

(S.L. Jain)  
M (J)

(B.N. Bahadur)  
M (A).

H.

order/Judgement despatched  
to Applicant Respondent (s)  
on 14/2/2000

15/2/2000