

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD
xxxExWxxDxExkxx

M.A.No.1452 & 1453/91 in
O.A. No. 202/90 198
TxAxNx.

DATE OF DECISION

A.S.Babu Petitioner

Sri C. Suryanarayana Advocate for the Petitioner(s)

Versus

Chief of the Air Staff, Air HQ (VB) Respondent
New Delhi

Sri Naram Bhaskara Rao, Addl.CGSC Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R. BALASUBRAMANIAN, MEMBER (ADMN.)

The Hon'ble Mr. C.J. ROY, MEMBER (JUDL.)

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?

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::AT HYD.

M.A.No.1452/91 & 1453/91
in O.A.No.202/90.

Date of Decision: 6-7-92

Between:

A.S. Babu .. Applicant/Applicant

Vs.

Chief of the Air Staff,
Air HQ (VB), New Delhi .. Respondent/Respondent

For the applicant : Sri C.Suryanarayana, Advocate.

For the respondents : Sri Naram Bhaskara Rao, Addl.
Standing Counsel for Central Govt.

CORAM:

THE HON'BLE SRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

THE HON'BLE SRI C. J. ROY, MEMBER (JUDL.)

.....

|| ORDERS OF THE BENCH AS PER HON'BLE SRI C.J. ROY, MEMBER (J) ||

The applicant herein filed the M.A.s in the O.A. viz.

(i) M.A.No.1452/91 for condonation of delay; and (ii) M.A.No. 1453/92 for restoration of the O.A. to its file by setting aside the orders of dismissal dt. 11-6-1990 passed in the O.A.

2. The facts are that the applicant filed the above O.A. for setting aside the impugned orders dt. 2-6-1989 circulated vide HQs Training Command Letter No.TC/10050/2/PC dt. 21-6-1989. The brief was entrusted to Mrs. Shahnaaz Sultana, Advocate, for prosecuting the case before this Tribunal. The applicant states that the O.A. was dismissed on 11-6-1990 for default with remarks that neither the applicant nor the counsel was present. The applicant alleges that he was not informed of the said fact by his counsel at any stage and therefore, had approached the Tribunal and verified the stage of the case in September 1991.

It is also stated that, in the said circumstances he had obtained 'No Objection' from the said Advocate and handed over to one Sri K.Sudhakar Reddy, Advocate for taking steps to restore the O.A., and also to prosecute the case, but as the said Advocate did not take any steps he contacted ultimately Sri C.Suryanarayana, Advocate who is presently on record and filed the above M.As. It is also further stated that he had filed a complaint u/s. 35 of the Advocates Act before the Bar Council of the State of A.P., at Hyderabad against the said Mrs. Shahnaaz Sultana for neglecting his case.

3. On perusal of the records, it is seen that the matter was posted ~~for~~ admission in the cause list dt. 6-6-1990. As none ~~were~~ present on that day, the O.A. was ~~posted~~ to 11-6-1990 for dismissal. On 11-6-1990 also neither the applicant nor his counsel were present and therefore the Tribunal dismissed the O.A. for default.

4. The applicant claims that he was not informed of the stage of the case by his counsel and therefore, was not in a position to approach the Tribunal within the time for restoration of the O.A. However, on coming to know of the fact, he has approached the Tribunal with the above referred M.As. We have perused the records. In the said circumstances, we feel the applicant deserves ~~for~~ an opportunity to prosecute the O.A. Accordingly the M.A.No.1452/91 seeking condonation of delay of 508 days is allowed and delay condoned. Basing on the facts, orders given supra we also allow the M.A.No.1453/91 seeking restoration of O.A. by setting aside the orders of dismissal dt. 11-6-1990. The Registry is directed to post the main O.A. in usual course.

5. With the above observations the M.As. are disposed-of.

R. Balasubramanian
(R. BALASUBRAMANIAN)
MEMBER (A)

C. J. Roy
(C. J. ROY)
MEMBER (J)

Dated 6th July, 1992.

grh.

5.9.7/92
Deputy Registrar (J).

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.
THE HON'BLE MR.

AND

THE HON'BLE MR.K.BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY : MEMBER (J)

AND

THE HON'BLE MR.C.J. ROY : MEMBER (J)

Dated: 6 - 7 - 1992

ORDER / JUDGMENT

~~M.A./C.A./M.A.~~ No. 1452 & 1453/91

in
O.A. No. 202/90

T.A. No. (W.P. No.)

Admitted and interim directions
issued

MA
Allowed O.A. is Restored

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

