

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: HYDERABAD BENCH

M.A.No. 139 of 1997

in

O.A.No. 189 of 1993

BETWEEN:

1. G. Anjaiah
2. N.H. Narayana Murthy
3. Md. Yousuf Ali
4. Iqbal Hussain Khan
5. M. Balanarsaiah
6. T.V. Sreehari
7. T.V. Chandran
8. Venkataiah
9. M. Madhava Rao
10. D. Balakrishna ~~See~~ Kurup
11. B. Sai Kumar
12. P. Ramachander
13. A. Narsimha Murthy
14. B. Balakrishna Rao
15. V. Sreenivasa Rao
16. Saleem Khan
17. B. Jangaiah
18. R.B. Satyanarayana
19. M. Rajakomaranna
20. P. Tirupathaiah
21. K. Laxman
22. A.S. Simon

.. Applicants/
Applicants

and

1. The Chairman, Indian Railway Board
New Delhi.
2. The Chief Workshop Manager,
South Central Railway,
Lalaguda, Secuderabad.
3. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.

.. Responden
Responden

contd..

- 1) It is submitted that the above application was filed seeking to declare the impugned order passed by the respondent no.2 vide his proceedings No. LG.DS/P.648/OA/111/92 dated 28.4.1992 rejecting the appeal of the applicants.
- 2) It is submitted that the case did not come up for consideration for quite considerable time and whereas the respondents have filed the counter affidavit belatedly, for which, a reply affidavit was also filed.
- 3) It is submitted that as the case came up for consideration out of seniority, pursuant to an expedite petition and when the matter was listed for final hearing, the same did not reach for considerable time.
- 4) It is submitted that the case appeared in the final hearing list before the first court on 2.7.1996 and thereafter it was being followed from time to time, but did not reach and ultimately slipped into onward list.
- 5) It is submitted that subsequently the case came up for final hearing on 6.1.1997 and as there was no representation on 6.1.1997, the case was posted for disposal on 8.1.1997 and even on that day as there was no representation the case was dismissed for default.
- 6) It is submitted that the vacations for High court commenced from 1.1.1997 till 15.1.1997 and as such the counsel for applicants was out of station. In fact, the counsel for the applicants left for Tirupati on 2.1.1997 and returned on 8.1.1997 and it is only in the morning hours of 9.1.1997, a colleague of my counsel Mr. Panduranga Rao telephoned and informed

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that the case was dismissed default by an order dated 8.1.1997.

7) It is submitted that as the counsel was out of station when the case was posted to and as such no representation could be made is even the colleague of my counsel appearing on his behalf were also availing vacations. As such, neither the applicants' counsel nor his colleague could represent the case.

8) It is submitted that the non-appearance either on 6.1.1997 or on 8.1.1997 was neither wilful nor deliberate and mean no dis-respect to the Hon'ble Tribunal.

9) It is submitted that ^{if} the order dismissing the application for default is not set-aside and if the case is not restored on to the file of this Hon'ble Tribunal, the applicants would be put to irreparable loss and injury, as they would loose their seniority which incidentally would effect not only monetary aspect but also status. Hence this application.

It is, therefore, prayed in the interest of justice that this Hon'ble Tribunal may be pleased to set-aside the order dated 8.1.1997 dismissing O.A.No. 189/1993 for default and restore the same on to the file of this Hon'ble Tribunal and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

~~APPLICANTS.~~

contd.

Restoration Petition

DISTRICT ::: HYDERABAD

BEFORE THE CENTRAL ADMN. TRIBUNAL
HYDERABAD BENCH

MA.No. of 1997

in

OA No. 189 of 1993



PETITION FOR RESTORATION

*Received
for 29/1
V. Karunak*
FILED BY

M/s: D. GOVERDHANA CHARY &
T. SUDHAKAR REDDY

COUNSELS FOR APPLICANTS

*Noted
12/8*