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**In The Central Administrative Tribunal
Jaipur Bench, Jaipur**

OA/TA/MP. No. _____/199

Radhey Shyam Agarwal

Versus

Union of India

Date of Order

Orders

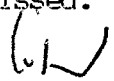
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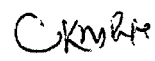
MAs 396 and 397/95 in TA 317/92

Mr. Shiv Kumar, counsel for the applicant.
Mr. M. Rafiq, Counsel for the respondent.

This is an MA (No.396/95) for restoration of TA 317/92, which was dismissed in default on 14.9.93 after the counsel for the applicant pleaded no instructions. The applicant himself was not present on that date. The present application for restoration has been filed on 25.8.95, after a delay of about two years. The applicant has also filed an MA (No.397/95) for condonation of delay on the ground that he has been suffering from mental depression and being bed ridden as a result thereof he could not attend his case. It is also stated that when his counsel pleaded no instructions, no notices was issued to him. He has also stated that copy of the order dated 14.9.93 was not sent to him and it ought to have been sent by registered post. The applicant has already taken voluntary retirement w.e.f. 19.4.93 F/N. The certificate from a Doctor indicates that the applicant was suffering from mental depression w.e.f. 25.4.93. How long the mental depression continued, is not known. The contents of para-2 of the reply filed on behalf of the respondent show that the applicant has been on leave due to urgent domestic work also for sometime during the year 1993. In fact, the restoration application should have been filed within a period of 30 days from the date of the impugned order. The TA was listed for hearing on 14.9.93, on which date the counsel for the applicant pleaded no instructions. In the circumstances, it was thought not necessary to issue any notice to the applicant and this Bench of the Tribunal chose to dismiss the TA in default. The applicant ought to have shown sufficient cause for his non-appearance at the time of the hearing of the case and he should have explained such an inordinate delay in presenting these Misc. Applications for condonation of delay and for restoration of the TA. The grounds urged on behalf of the applicant for condonation of delay and for restoration appear to be quite vague and they do not constitute any sufficient cause/reason for condonation.

2. In the circumstances, these Misc. Applications for condonation of delay and for restoration of the TA are dismissed.


(O.P. SHARMA)
ADMINISTRATIVE MEMBER


(GOPAL KISHNA)
VICE CHAIRMAN

VK