

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

Chandigarh, this the 30<sup>th</sup> day of September, 2014

**(I) Miscellaneous Application No. 060/01110/2014  
in  
O.A.No.060-00072-2014  
(Reserved on 28.8.2014)**

Yogender Singh

...APPLICANT

VERSUS

Union of India & Ors.

...RESPONDENTS

**PRESENT:** Mr. Devender Punia, counsel for the applicant in MA.  
Mr. Tarun Walia, proxy counsel for Mr. Deepak  
Agnihotri, counsel for respdt.No.1.  
Mr. K.B. Sharma proxy counsel for Mr. D.R. Sharma,  
counsel for respdts. 2 & 3.

**ORDER**

**HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-**

1. MA. 060/01110/2014 has been filed under Section 22 of the Administrative Tribunals Act, 1985 read with Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987 for recalling the order dated 15.7.2014 through which OA No. 060/ 00072/2014 was dismissed on account of non-prosecution.

*Ms* —

2. Learned counsel for the applicant has been heard in the matter. Learned counsel explained that reason for non-appearance of the counsel on 15.7.2014 was that he had received a telephonic call from the school of his minor daughter and he had to go to her school and he had requested Mr. Pankaj Chugh, Advocate to appear before the Tribunal on the date fixed for the OA, but he could not reach in time. Later counsel for the applicant learnt that the OA has been dismissed in default vide order dated 15.7.2014. Affidavit in this regard has also been filed by the counsel for the applicant.

3. Although learned counsel has explained his position regarding his non-appearance on 15.7.2014, it is observed that the counsel had also not appeared on 7.3.2014. On 20.3.2014, he was represented by his proxy counsel Sh. P.K. Chugh. On 23.4.2014, the counsel was not present and the same was the position on 16.5.2014 also. Hence, it is clear that counsel for the applicant has been acting irresponsibly and not following up the case of his client properly which resulted in OA No. 060/ 00072/2014 being dismissed on account of non-prosecution.

4. While there is good ground to disallow this MA for restoration of the OA to its original position, it is felt that applicant in this

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matter would be suffering on account of the irresponsible conduct of his counsel and would be denied the opportunity of his claim being decided after proper hearing in the matter. Hence, in the interests of justice, this MA is allowed. Order dated 15.7.2014 is recalled and the OA No. 060/00072/2014 is restored to its original position. *List on 27<sup>th</sup> Oct.*

**(RAJWANT SANDHU)**  
**MEMBER(A)**

**(BRAHM A. AGRAWAL)**  
**MEMBER(A)**

Dated: This the <sup>1<sup>st</sup></sup> day of September, 2014  
ND\*

*Rajwant Sandhu*  
p/leave  
wif  
JAGDISH PARSAD

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH ,  
CHANDIGARH .**

3.O.A. No.060/00072/2014

**(YOGENDER SINGH VS. UOI)**

**27.10.2014**

Present: None for the applicant.  
Mr. Tarun Walia, proxy for Mr. Deepak  
Agnihotri, counsel for respondent no.1  
None for respondents no.2 & 3

1. Matter was listed for consideration today after allowing MA No.060/0110/2014 seeking restoration of the OA No.060/00072/2014 which was dismissed earlier on account of non-prosecution.
2. Matter may now be listed on 10.11.2014.

  
**(DR. BRAHM A. AGRAWAL)**  
**MEMBER (J)**

  
**(RAJWANT SANDHU)**  
**MEMBER (A)**

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**JAGDISH PARSAD**

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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

1. O.A. No.060/00072/2014

**YOGENDER SINGH**

**APPLICANT**

**VS.**

**UNION OF INDIA**

**RESPONDENTS**

**10.11.2014**

Present: None for the applicant  
Sh. Deepak Agnihotri, counsel for respondent No.1.  
Sh. D.R. Sharma, counsel for respondents No.2 and 3.

1. On 13.9.2014, the order dated 15.7.2014 was recalled and the OA was restored to its original position and was listed on 27.10.2014 but on that date none was present to represent the applicant and same is the position today.
2. From this, it appears that the applicant is not interested to pursue this matter. Hence the OA is dismissed on account of non prosecution.



**(DR. BRAHM A. AGRAWAL)**  
**MEMBER (J)**



**(RAJWANT SANDHU)**  
**MEMBER (A)**

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