

CENTRAL ADMINISTRATIVE TRIBUNAL
AMHEDABAD BENCH

Original Application No. 731 of 2016
Dated : the 31st Day of October, 2018

CORAM :

Hon'ble Ms. Archana Nigam, Member (A)
Hon'ble Sh. M.C. Verma, Member (J)

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Shri Kiranbhai Son Shri Premchandbhai Patel, aged 65 years, Ex. SDOP-III of the respondents, residing at Bunglow No. 121, Upendra Park Society, Someshwar Part-III, Thaltej, Ahmedabad – 380 061. **.....Applicant**

(By Advocate : None)

VERSUS

- (1) The Chief Managing Director, Office of CMD, BSNL, Corporate Office, Bharat Sanchar Nigam Limited, Janpat, New Delhi – 110 001.
- (2) The Chief General Manager, Office of CGM, Gujarat Telecom, Circle Office, CGM, Gujarat Circle, Telephone Bhavan, C.G. Road, Ahmedabad-380 006.

.....Respondents.

(By Advocate : Mr. Joy Mathew)

O R D E R (ORAL)

Per M.C.Verma, Member (Judicial)

This matter is listed as Item No. 27 in today's cause-list. It is the first case which is being taken immediately after lunch hour, but to utter dis-may after lunch hour, counsel for applicant was found to have gone. Mr. M.S. Trivedi was also the Advocate in case figured at Item No. 26, OA No. 493 of 2012, of today's Cause List. Item No. 26 consumed considerable time in hearing and concluded just before Lunch hour. While adjourning the Court for lunch hour it was made clear that next item would be taken, for final hearing, after expiry of Lunch hour.

2. More painful is the fact that if Shri M.S.Trivedi, who is the counsel for applicant, had to go he could have inform the Bench, on conclusion of hearing of Item No. 26 but he did not do so. He even did not bother to depute anyone to intimate that he would not be able for hearing after lunch. There is no request of any type whatsoever. Needless to say that the matter had been admitted on 26th September, 2018 and today's date was fixed with his concurrence.

3. In aforesaid back drop of the matter, learned counsel for respondents was directed to adduce his arguments so that this matter may be disposed of but learned counsel inviting our attention to Clause (1) of Rule 15 of CAT (Procedure) Rules submits that there are two options available before the Bench; one is for disposal of the application in default and another is to hear and decide the matter on merits. He urged to dismiss the O.A. for non-prosecution.

4. Considered the submissions and Rule 15 Sub Clause (1) of which reads as under :-

“15. Action on application for applicant's default.—

(1) Where on the date fixed for hearing of the application or an any other date to which such hearing may be adjourned the applicant does not appear when the application is called for hearing, the Tribunal may in its discretion, either dismiss the application for default or hear and decide it on merit.”

5. Taking recourse provided under 15(1) of the CAT (Procedure) Rules, and to avoid injustice to all, it would be appropriate to adopt the

second course because if there would be any germane / genuine reasons for non appearance, applicant may take recourse, explaining all reasons, for restoration. the O.A. is dismissed for default and thus stand disposed of accordingly.

[M.C.Verma]
Member (J)

[ArchanaNigam]
Member (A)

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