

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.NO.71 of 2016(In OA No.4492 of 2015)
& MA Nos.1131 & 1132 of 2016

New Delhi, this the 23rd day of March, 2016

CORAM:

HON⁰BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER

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1. Vidya Nand Sharma, Aged about 66 years,
General Secretary,
All India Central Government Canteen Employees Association and
Attorney of the Applicants
Office: F-48, Lado Sarai, New Delhi - 110 030.
2. Mustak Khan Posla, Aged 50 years, Was working as Cook W.e.f.
1.2.1986
S/o Shri Ramjan Khan Posla,
Village : Qutab Gargh Near Dispensary
Delhi - 110 039

(In Person)

1. Secretary, Government of India,
Ministry of Telecommunication,
Ministry of Communication & Information Technology,
Room No.513, Sanchar Bhawan, 20 Ashok Road,
New Delhi - 110001.
2. G.M. (Administration), MTNL Corporate Office, Khurshid Lal
Bhawan, New Delhi -110050 ... Respondents

ORDER

(By Circulation)

1. I have perused the records of O.A.No.4492 of 2015, and of R.A.No. 71 of 2016.
2. OA No.4492 of 2015 was filed by the applicants on 30.11.2015, praying for a direction to the respondents to grant *pro rata* pension to

applicant no.1 for the period of service rendered by him under the Government of India.

2. O.A.No.4492 of 2015 was listed on 12.1.2016 for preliminary hearing on the question of admission. On that day, as the applicants did not appear on first and second calls, the Tribunal adjourned the matter to 21.1.2016. On 21.1.2016, as the applicants also failed to appear, the Tribunal again adjourned the matter to 28.1.2016. On 28.1.2016, the applicants also failed to appear. Therefore, the Tribunal, vide its order dated 28.1.2016, dismissed the O.A. *in limine*.

3. Thereafter, the applicants filed MA No.1131 of 2016 for restoration of O.A.No.4492 of 2015, and MA No.1132 of 2016 for condonation of delay in filing of the MA No.1131 of 2016. As objection was raised by the Registry about the maintainability of MA No.1131 of 2016, the applicants have filed the present R.A.No.71 of 2016 praying, *inter alia*, for review/setting aside of the order dated 28.1.2016, *ibid*, and for restoration of O.A.No.4492 of 2015.

4. The applicants have stated that as they were away from New Delhi, and were in Mumbai, during the period when OA No.4492 of 2015 was listed, they could not appear before the Tribunal. Therefore, the order dated 28.1.2016, *ibid*, may be set aside, and OA No.4492 of 2015 may be restored for being considered by the Tribunal.

5. The applicants have not filed any material/contemporaneous document, along with the R.A. and M.As., to show that both Mr.

V.N.Sharma, the General Secretary of applicant no.1 Association, and Mr.Mustak Khan Posla (applicant no.2) were in Mumbai during the period when the O.A. was listed before the Tribunal for preliminary hearing on the question of admission. Thus, this Tribunal is not inclined to accept the cause shown by the applicants for their non-appearance on the dates when the O.A. was listed before the Tribunal. Therefore, the prayer made by the applicants for setting aside the order dated 28.1.2016, *ibid*, and for restoration of OA No. 4492 of 2015, is liable to be rejected. However, in the interest of justice, I allow the applicants' prayer for restoration of O.A.No.4492 of 2015, subject to their depositing cost of Rs.5000/- (Rupees Five Thousand) only in the Government account maintained by the Central Administrative Tribunal, Principal Bench, New Delhi, within one month from the date of receipt of copy of this order. It is also ordered that in the event the applicants fail to deposit the aforesaid cost amount within the stipulated period, the order dated 28.1.2016 will remain in force. The Registry shall restore O.A.No.4492 of 2015 only after the applicants file the receipt showing deposit of the aforesaid cost amount. The Registry shall list the matter before the appropriate Bench, as and when a Memo will be filed by the applicants for listing the matter before the Bench on a particular date.

6. With the above observation and direction, RA No.71 of 2016, and MA Nos.1031 and 1032 of 2016 are disposed of.

7. As the applicants are not represented by any lawyer, the Registry shall communicate copies of this order to the applicants by registered post with A.D..

(RAJ VIR SHARMA)
JUDICIAL MEMBER

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