

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

M.A. No. 4315/2015 &
O.A. No. 2524/2012

New Delhi, this the 22nd day of February, 2016

**HON'BLE MR. JUSTICE SYED RAFAT ALAM, CHAIRMAN
HON'BLE MR. P.K. BASU, MEMBER (A)**

1. Mr. Mahender Singh,
S/o Sh. Hari Singh,
Aged about 60 years,
R/o T.T. Place, B.S. Marg,
New Delhi-I.
2. Ram Avtar Singh,
S/o Late Sh. Harsharan Singh,
Aged about 51 years,
R/o B-43, R.S.T. Enclave Kardam Farm,
Johri Pur near Toll tax Johripur,
Delhi-94.
3. Bhushan Lal Gera,
S/o Late Sh. Gurdyal Singh,
Aged about 51 years,
R/o A-61, Anand Vihar,
Old Uttam Nagar, Delhi.
4. Rajiv Diwan,
S/o Sh. Suresh Kumar Diwan,
Aged about 52 years,
R/o H.No. 2/141,
Subhash Nagar, New Delhi.
5. Surender Kumar,
S/o Late Sh. Bhoop Singh,
Aged about 50 years,
R/o House No. 44, Telegraph Square,
Bangla Sahib Marg,
New Delhi -110 001.
6. Dharambir
S/o Sh. Ram Kumar,
Aged about 59 years,
Qr. No. 34 Telegraph Square,
New Delhi-1.
7. Sher Singh

S/o Late Sh. Murli Dhar,
 Aged about 62 years,
 R/o 2439/II, Nalwa Gali
 Chunna Mandi, Paharganj,
 New Delhi-55.

8. Vishnu Dutt,
 S/o Sh. Ganeshi Lal,
 Aged about 61 years,
 R/o Qr. No. 19, Telegraph Place, B.S. Marg,
 New Delhi-2.
9. Ravinder Patra,
 S/o Shri Jai Kishan Pattra,
 Aged about 52 years,
 R/o 112 Qr. No. 43, Block No.6,
 Lady Harding Staff Quarter,
 New Delhi. .. Applicants

(By Advocate: Dr. Ashwani Bhardwaj)

Versus

1. Union of India
 Though its Secretary,
 Ministry of Health and Family Welfare,
 Nirman Bhawan,
 New Delhi-11.
2. Director General of Health Services,
 Ministry of Health and Family Welfare,
 Nirman Bhawan,
 New Delhi-11.
3. Director and Medical Superintendent,
 Lady Harding Medical College and
 Smt. S.K. Hospital, New Delhi.
4. The Under Secretary,
 (E-IIIB), Ministry of Finance,
 Department of Expenditure,
 North Block, New Delhi. .. Respondents

(By Advocate: Shri Rajinder Nischal)

ORDER (ORAL)**By Hon'ble Mr. Justice Syed Rafat Alam****MA 4315/2015**

We have heard Dr. Ashwani Bhardwaj, learned counsel for the applicant and Shri Rajinder Nischal, learned counsel for the respondents.

2. By means of this application, the applicant has sought restoration of O.A. No.2524/2012 which was dismissed on 19.11.2015 on account of non-prosecution.

3. Learned counsel for the applicant submits that since the issue involved in the O.A. was also engaging attention of the Hon'ble Apex Court, the matter was being adjourned on various dates, and he was under the impression that the matter would not be taken up for final disposal, therefore, he could not appear before the court, when the matter came up on 19.11.2015. He further submits that on the aforesaid date, when the O.A. was dismissed for default, he was held up before the Hon'ble High Court and, as such, he could not reach when the matter was called out.

4. On the other hand, Shri Rajinder Nischal, learned counsel for the respondents, made a formal objection. However, he could not dispute that there is no deliberate laches on the part of the applicant.

5. In view of the above, we are of the view that there is no deliberate laches or negligence on the part of the applicant and for the reason that a litigant should not be made to suffer for the laches on the part of the counsel, the M.A. is allowed. The O.A. is restored to its original number and with the consent of the parties, the same is taken up for hearing today.

OA 2524/2012

After hearing the matter to some extent, learned counsel for the applicant pointed out that during the pendency of the O.A., certain developments have taken place which are necessary to be brought on record for adjudication of the matter and, as such, he may either be permitted to amend the O.A. by filing an amendment application or the same may be disposed of with liberty to file a fresh one with necessary amendments. Learned counsel for the respondents also agrees that it would be appropriate if the applicant files a fresh O.A.

2. In view of above, we permit the applicant to withdraw the O.A. at this stage with liberty to file a fresh one. The O.A. stands disposed of. No costs.

**(P.K. Basu)
Member (A)**

/Jyoti/

**(Syed Rafat Alam)
Chairman**