

**Central Administrative Tribunal  
Principal Bench**

**OA-321/2013**

**New Delhi, this the 09<sup>th</sup> day of May, 2018**

**Hon'ble Mrs. Jasmine Ahmed, Member (J)**

**Hon'ble Mr. K.N. Shrivastava, Member (A)**

Sh. Vijender Singh,  
UDC, aged about 55 years,  
Working in GIS, DDA Vikas Sadan, DDA  
R/o-151-D, Pocket-F,  
Mayor Vihar, Phase-II,  
Delhi-110091.

... Applicant

(through Sh. Bhanu Pratap Yadav for Sh. Malaya Chand)

Versus

Delhi Development Authority,  
Through Vice Chairman,  
Vikas Sadan, INA,  
New Delhi.

... Respondents

(through Sh. Manish Garg with Sh. A.K. Roy and Sh. Hitesh Bagri)

**ORDER(ORAL)**

**Hon'ble Mr. K.N. Shrivastava, Member (A)**

This OA was filed on 22.01.2013. The reply was filed on 25.04.2013. The case was listed for hearing on several dates. The OA was dismissed for default of appearance on 01.05.2015 on behalf of the applicant.

2. The applicant filed MA No. 2709/2015 praying for restoration of OA. The said MA was allowed vide order dated 03.03.2016 and the OA was directed to be restored. It is seen from the order sheets that only proxy counsel has been appearing on behalf of the applicant and not the arguing counsel. The Tribunal, therefore, vide order dated 10.08.2016 passed order adjourning the case subject to cost of Rs. 5,000/- being paid by the applicant to CAT Bar Association to further prosecute the OA. The cost has not been paid nor the learned counsel has been appearing. It is also noticed that Sh. Malaya Chand,

learned counsel for the applicant had appeared on 13.12.2017 and had sought adjournment. On the next date, i.e., 08.02.2018, there was none for the applicant and so was the case on the date next to that i.e., 21.03.2018. Sh. Malaya Chand, learned counsel for the applicant was present on 03.04.2018 but on joint request, the matter was adjourned.

3. Today also, Sh. Malaya Chand is not present and request for adjournment is made by Sh. Bhanu Pratap Yadav appearing as proxy counsel for Sh. Malaya Chand. Since the cost imposed on the applicant vide our order dated 10.08.2016 has not been paid and on most of the dates of listing, learned counsel for the applicant has not been present, it would appear that the applicant is not interested in prosecuting this matter. We also take cognizance of the fact that this OA was earlier dismissed for default of appearance on 01.05.2015 and later restored.

4. In the conspectus, the OA is dismissed for default and non-prosecution.

**(K.N. Shrivastava)**  
**Member (A)**

**(Jasmine Ahmed)**  
**Member (J)**

/ns/