

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.704/2017

Date of Decision: 21.12.2017.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Machindra Gunaji Tingote
 Occup. Service,
 R/at Plot No.-13, New Mondha
 Aurangabad.
 O/at Central Excise & Customs
 Aurangabad 431 005.
(Advocate Shri P.A. Kulkarni)

... ***Applicant***

Versus

1. Union of India, through
the Secretary, Ministry of
Finance, Janpath, New Delhi 110 001.
2. The Director
Central Board of Excise Control
North Block, New Delhi.
3. The Chief Commissioner
Central Excise & Customs
Nagpur Zone, Nagpur.
4. The Commissioner
Central Excise & Customs
Aurangabad 431 005.

... ***Respondents***

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission,
 Applicant and Shri P.A. Kulkarni, learned Advocate for him both
 remained absent without any intimation.

2. In this OA, the applicant has prayed for the following
 reliefs;

“8.a The Original Application may kindly be allowed.

8.b The Hon'ble Tribunal may be pleased to quash and set aside the orders passed by the respondents rejecting the claim of the applicant dated 1st June, 2010.

8.c By issuing appropriate orders, directions respondents may kindly be directed to regularize the service of the applicant and grant temporary status to the applicant with all consequential benefits.

8.d This Hon'ble Tribunal may direct the respondent – 4 to give regular work to the applicant.

8.e Any other relief to which the applicant is entitled may kindly be granted in his favour.

3. The Applicant has also prayed for the following interim order;

“9.a Pending hearing final disposal of this OA this Hon'ble Tribunal may kindly direct the respondent not to discontinue the applicant from services.”

4. Record shows that the office has drawn as many as six objections to comply with. However, the applicant failed to comply, even as per the endorsement of the Registry the applicant's Advocate has been informed on his cell number mentioned on the Vakalatnama on 12.12.2017 to remain present today for removal of office objections. However, nobody appeared for the Applicant.

5. In view of this, OA cannot proceed further. The OA therefore stands dismissed in default of appearance of the

applicant and his Advocate at admission stage and also for failing to remove the office objections.

6. Even otherwise the impugned order dated 29.01.2010 (Annexure A-1) is challenged in this OA without filing MA for condonation of delay. Hence, *prima facie*, OA is barred by limitation. However, point of limitation is kept open, in case the applicant preferred any application for restoration of the OA.

(R. Vijaykumar)
Member (A)

(Arvind J. Rohee)
Member(J)

dm.