

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

**MA/310/00039/2019 & MA/310/00040/2019
in OA/310/01088/2015**

Dated Monday the 11th day of February Two Thousand Eighteen

**CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

P. Gopal
Nursing Orderly (Retd.)
V.P.O. Kombur
Pappireddipatty Taluk
Dharmapuri District.

... Applicant

By Advocate M/s K. Sivasubramanian

Vs

1. The Secretary to Government
Department of Personnel and
Administrative Reforms (PW)
Puducherry.

2. The Director
Directorate of Health and Family Welfare Service
Puducherry
Pin code 605 001.

3. The Medical Superintendent
Indira Gandhi Government Hospital and
Post Graduate Institute
Puducherry, Pincode – 605 001.

... Respondents

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. MA 40/2019 has been filed seeking restoration of the OA No. 1088/2015 dismissed by an order of this Tribunal dt. 04.08.2015 for non-prosecution. MA 39/2019 is for condonation of delay in seeking restoration.

2. It is submitted that the applicant was suffering from a nervous disease and he was not aware of the dismissal of this OA. Accordingly, he could not seek timely restoration. It is further submitted that the applicant's case for relaxation of minimum qualification for the purpose of claiming higher pay had been favourably processed and recommended to the competent authority to consider relaxation as a special case on the grounds that the applicant was a retired Government employee. By Annexure A14 communication dt. 25.09.2014, the counsel for the applicant had been informed that the Department of Personnel & Administrative Reforms, Public Works Department, Puducherry had been addressed on 17.08.2014 requesting relaxation and a decision thereon was awaited. Accordingly, the matter was under process and further action would be taken after hearing from the authorities.

3. We have considered the matter. We are not satisfied with the reason pleaded by the applicant for delay of nearly three years in seeking restoration and, therefore, we are not inclined to restore the OA. We would, however, like to observe that the dismissal of this OA for default as per the order of this Court dt. 04.08.2015 need not be a bar on the competent authority to consider the

proposed relaxation in the case of the applicant, if he is otherwise deserving in terms of the facts of the case and the relevant rules.

4. MA 39/2019 is dismissed with the above observations. Consequently, MA 40/2019 for restoration stands disallowed.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

11.02.2019

SKSI