

Court No. - 39

Case :- WRIT - A No. - 18159 of 2023

Petitioner :- Angad Singh

Respondent :- Central Administrative Tribunal, Allahabad
Bench And 3 Others

Counsel for Petitioner :- Kamla Kant Mishra, Varun Mishra

Counsel for Respondent :- C.S.C., Deepak Singh

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Kamla Kant Mishra learned counsel for the petitioner, Sri Deepak Singh learned counsel for respondent No. 2 and the learned Standing Counsel for the State respondents.
2. Challenge has been raised to the order dated 18.4.2023 passed by the Central Administrative Tribunal, Allahabad Bench, Allahabad in O.A. No. 330/224/2015(Angad Singh Vs. Union of India and Others). By that order, the learned Tribunal has rejected the restoration application dated 22.9.2021 filed alongwith delay condonation application seeking recall of the order dated 25.1.2019.
3. Having heard learned counsel for parties and having perused the record, we find that the above Original Application was first dismissed for want of prosecution on 15.3.2017. It was restored upon application dated 12.5.2017 filed by the present petitioner. However, on 07.3.2018 the Original Application again came to be dismissed for want of prosecution. This time, the restoration application was filed with a small delay, on 18.5.2018. At the same time, it came to be dismissed on 25.1.2019, for want of prosecution.
4. Noting the above conduct of the petitioner, the learned Tribunal has refused to condone the delay or to recall the order

dismissing the restoration application for want of prosecution.

5. Learned counsel for the petitioner has pressed that the petitioner is a retired employee who is not receiving any pension. Thus, it has been suggested that he is facing financial hardships. For that reason, some negligence may have arisen. However, the same was not intended.

6. Without going into the exact reasons for the delay and without ruling on the conduct of the petitioner, we find that primarily Courts exist to decide cases on merits. The conduct of the petitioner may have to be dealt with by imposing appropriate cost to ensure discipline on the petitioner. Accordingly, we set aside the order dated 18.4.2023 subject to payment of cost Rs. 5000/- to the Legal Service Committee, High Court Allahabad within a period of one month from today.

7. Further, even after restoration if the petitioner fails to appear before the learned Tribunal on the date fixed, he may not remain entitled to any further accommodation.

8. Writ petition is accordingly **disposed of**.

Order Date :- 30.10.2023

Faraz

(S. Q. H. Rizvi, J.) (S. D. Singh, J.)