

Court No. - 39

Case :- WRIT - A No. - 19691 of 2023

Petitioner :- Vinay Kumar

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Sunil,Sharad

Counsel for Respondent :- A.S.G.I.,B.K.Singh Raghuvanshi

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Heard Sri Sunil, learned counsel for the petitioner, Sri B. K. Singh Raghuvanshi, learned counsel for the respondents and learned Standing Counsel for the State.
2. Present writ petition has been filed against the order dated 13.02.2019 passed by the Central Administrative Tribunal, Allahabad in Civil Misc. Delay Condonation Application No. 330/852/ 2014 filed in Civil Misc. Restoration Application No. 330/853/2018. By that order the Tribunal refused to condone the delay of almost 4 years in filing the restoration application seeking recall of the order dated 15.05.2014 dismissing the Original Application No. 330/288 of 2014, for want of prosecution.
3. At the outset, it may be noted that the present writ petition has also been filed with the delay of four years. Besides that delay, it is undisputed that petitioner's father, who was a Group 'D' employee with B.S.N.L. died in harness on 28.02.2009. Arising therefrom the petitioner had filed an application seeking compassionate appointment. That was rejected by the Circle High Power Committee of the B.S.N.L. on 19.09.2013 as communicated by communication dated 10.10.2013.
4. Assailing the same, the Original Application no. 330/288/2014 was instituted. The Tribunal has noted that the matter remained unrepresented on the side of the petitioner, from beginning. In such circumstances, it was first adjourned on 06.03.2014 and again on 15.05.2014. On the second adjourned date, 15.5.2014, it was dismissed for want of prosecution. That order was dispatched to

the counsel for the petitioner vide registered post on 21.07.2014.

5. In such circumstances, the gross delay of four years in institution of the delay condonation application has not been condoned.

6. For the facts noted above and the natural reasons inherent in the same, it cannot be disputed that there was inordinate and unexplained delay on part of the petitioner in filing the restoration application. We also take note that there is inordinate delay in filing the present writ petition. Even if the period of pandemic is ignored, there is substantial delay both, before the spread of pandemic and also thereafter.

7. For the reasons noted above, writ petition lack merits and is **dismissed**. No order as to costs.

Order Date :- 28.11.2023

Abhishek Singh

(Shiv Shanker Prasad, J.) (S. D. Singh, J.)