

Court No. - 1

Case :- WRIT - A No. - 9841 of 2023

Petitioner :- Sugreev Yadav

Respondent :- State Of U.P. Thru. Addil. Chief Secy. Deptt. Of Home Civil Sect. Lko. And 5 Others

Counsel for Petitioner :- Vijay Kumar Tripathi, Arvind Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned counsel for the petitioner and Shri Anil Kumar Singh Visen, learned Standing Counsel for State-respondents.
2. The petitioner feeling aggrieved against the order of punishment filed claim petition No.1542 of 2016 before the State Public Services Tribunal, Indira Bhawan, Lucknow (hereinafter referred to as "Tribunal").
3. It appears that the claim petition filed before the Tribunal was dismissed for want of prosecution on 27.09.2018. An application for recall of the said order was filed before the Tribunal on 28.06.2022. The State Government did not file any objections against the application for recall of the order. All the objections raised before the Tribunal were oral.
4. On a perusal of the order impugned herein this writ petition, we gather that the learned Tribunal has rejected the application for recall of the order solely on the ground of heavy laches. Moreover, the other ground urged before the learned Tribunal as regards shifting of the high court from old building to its new building, was also not found to be convincing by the Tribunal.

5. Having gone through the contents of the application for recall of the order dated 27.09.2018, it is gathered that the petitioner has stated about his frequent transfers from one place to another. Moreover, he has also stated that he lost the contact number of his counsel and thus could not contact him. There is, however, no explanation given as to how the petitioner's counsel remained out of contact with him. The affidavit is not happily worded in this regard.

6. In these circumstances, the rejection of application for recall of the order dated 27.09.2018 in the normal course would not call for an interference but looking to the interest of justice and having regard to the reasons spelt out in the application for recall of the order, the same is allowed on payment of a cost of Rs.2,500/- which shall be deposited in a library fund of the Tribunal within a period of one month from today.

7. The proceedings shall be re-opened and proceeded with subject to the satisfaction of this order accordingly.

8. The writ petition is **disposed of** accordingly.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 21.12.2023
Shubhankar