



Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 135 of 2024

Date of order: 26.09.2024

Shri R.M.Mishra

...Petitioner

- Versus -

1. The Union of India represented by the Secretary,
Government of India, Department of Personnel & Training,
Training Division, Old JNU Campus,
New Delhi - 110067
2. The Secretary,
Department of Financial Services, Government of India,
Jeevan Deep Building, Parliament Street, New Delhi - 110001
3. The Chairman & Managing Director,
Small Industries Development Bank of India, SIDBI Tower,
15 – Ashok Marg, Lucknow – 226001

...Respondents

Coram:

Hon'ble Mr. Justice H.S. Thangkhiew, Chief Justice (Acting)
Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner : In person with
Mr. A.Momin, Adv.

For the Respondents : Dr. N. Mozika, DSGI with
Ms. K.Gurung, Adv.[For R1&2]

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |



(ORAL)

This writ petition has been filed impugning the order dated 01.02.2023 passed by the Central Administrative Tribunal (CAT), Guwahati Bench in O.A. No. 224 of 2017 dismissing it on default for non-prosecution.

2. The petitioner, who is appearing in person along with Mr. A. Momin, learned counsel submits that though O.A. No. 224 of 2017 was dismissed on default for non-prosecution, certain observations had been made while passing the said order by the CAT to the effect that the petitioner was not entitled to any further relief as claimed. It is further submitted that on this ground the writ petition has been preferred before this Court.

3. Dr. N. Mozika, learned DSGI appearing for the respondent Nos. 1 and 2 submits that the said respondents are only formal parties. Mr. A. Momin, learned counsel for the petitioner however, submits that the respondent No. 3 has since been served, but there is no appearance on their behalf.

4. This Court notes on the submissions and materials as placed, that the only matter in issue is with regard to the observations that have been made, that has compelled the writ petitioner to come before this Court. In the considered view of this Court, as the O.A. has been dismissed for default, the writ petitioner should have prayed for restoration of the same



before the said forum. It is further noted that the observations that had been made should not have a bearing in adjudication of the matter, inasmuch as, the matter has been dismissed on default.

5. Be that as it may, in the interest of justice, the matter is disposed of with a direction that the writ petitioner approach the Central Administrative Tribunal at Guwahati to seek restoration of the O.A. and for recall of the order dated 01.02.2023. It is further provided that the observations made in the said impugned order, shall not be taken into consideration while considering the petition for restoration. It is expected that the writ petitioner approach the CAT within one month from the date of this order with an appropriate application.

(B. Bhattacharjee)
Judge

(H.S. Thangkhiew)
Chief Justice (Acting)