

**HIGH COURT OF UTTARAKHAND AT NAINITAL****HON'BLE SRI JUSTICE MANOJ KUMAR TIWARI****AND****HON'BLE SRI JUSTICE PANKAJ PUROHIT****Writ Petition Service Bench No. 411 of 2018****17 July, 2026**

Krishan Kul Tilak

--Petitioner

Versus

Union of India and others

--Respondents

Presence:-

Mr. Amar Murti Shukla, learned counsel for the petitioner.

Mr. Rajesh Pandey, learned Standing Counsel for the Union of India/respondents.
-----**JUDGMENT** : (per Sri Manoj Kumar Tiwari, J.)

1. Petitioner was engaged as casual worker in Central Building Research Institute, Roorkee, District Haridwar, since December, 1987. He filed Original Application No. 1507 of 2006 before Central Administrative Tribunal, Allahabad, challenging an order, whereby his claim for regularization was rejected. The said Original Application, however, was dismissed for non-prosecution on 20.04.2007. Petitioner thereafter moved an application seeking restoration of Original Application No. 1507 of 2006,



after eight years in 2015. The restoration application filed by petitioner was dismissed by learned Tribunal, vide order dated 28.10.2015. Operative portion of the order passed by learned Tribunal on petitioner's restoration application, is reproduced below:-

"2. It is seen that though the O.A was dismissed in default on 20.04.2007, the applicant has filed the restoration application only on 12.08.2015 i.e. after a lapse of more than 8 years. In this regard it would be relevant to refer to Rule 15(2) of C.A.T (Procedure) Rules, which provides one months time for filing restoration application from the date of dismissal of the original application in default. Even the explanation offered by the applicant for condonation of delay is also not justified and acceptable as it shows careless and lethargical attitude of the applicant who is not interested in pursuing his case. In the meantime, as per the note of registry dated 14.08.2015, the record of the original application has been weeded out.

3. Keeping in view the above facts and circumstances, the Delay Condonation Application No. 3245/15 as well as M.A No. 3246/15 for restoration of O.A are rejected.

2. Petitioner has challenged the order dated 28.10.2015 in this writ petition.

3. Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987 is extracted below:-

"15. Action on application for applications default.-

(1) Where on the date fixed for hearing of the application or on any other date to which such hearing may be adjourned the applicant does not appear when the application is called for hearing, the Tribunal may in its discretion, either dismiss the application for default or hear and decide it on merit.

(2) Where an application has been dismissed for default and the applicant files an application within thirty days from the date of dismissal and satisfies the Tribunal that there was sufficient cause for his non appearance when the application was called for hearing, the Tribunal shall



2026:UHC:5959-DB

make an order setting aside the order dismissing the application and restore the same:

Provided, however, where the case was disposed of on merits the decision shall not be responded except by way of review."

4. Rule 15(2) of Central Administrative Tribunal (Procedure) Rules, 1987 provides that an application for restoration of the original application has to be filed within thirty days. In the present case, petitioner filed Restoration Application after eight years without giving any sufficient cause for such inordinate delay. Learned Tribunal was, therefore justified in rejecting the restoration application filed by petitioner, especially when record of the Original Application was also weeded out during the interregnum.

5. Thus, we concur with the view taken by learned Tribunal. There is no scope for interference in the matter. The writ petition fails and is dismissed. However, petitioner shall be at liberty to approach the competent authority, for appropriate relief.

(Pankaj Purohit, J.)**(Manoj Kumar Tiwari, J)**

17.07.2026

Navin
NAVEEN
CHANDRA

Digitally signed by Navin Naveen Chandra
DN: cn=Navin Naveen Chandra, o=UKHC, ou=UKHC COURT OF
APPEALS, email=navin.naveen.chandra@ukhc.gov.in, c=IN
Date: 2026.07.17 10:49:40 +05'30'