

**COURT No.3, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

22.

MA 1304/2018 in OA 48/2018

**Ex SPO Desh Raj
Versus
Union of India & Ors**

..... Applicant

..... Respondents

For Applicant :Mr. Mohd. Mujeeb, Advocate

For Respondents :Mr. Avdhesh kumar, Advocate

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE LT. GEN. PHILIP CAMPOSE, MEMBER (A)

**ORDER
07.08.2018**

MA 1304/2018:

Vide this application, the applicant seeks restoration of the OA which was dismissed for non prosecution on 30.07.2018. It is stated by learned counsel for the applicant that he was outstation and deputed his associate to attend the proceedings but he could not reach the Tribunal in time and therefore, the case was dismissed for non prosecution.

2. Perusal of the order sheet dated 30.07.2018 shows that none had appeared for the applicant till 4.30 PM and therefore, there was no option but to dismiss the case for non prosecution. However, in the interest of justice, application is allowed subject to deposit of Rs.5,000/- (Rupees five thousand only) with Armed Forces Tribunal Bar Association Welfare Fund within two weeks', OA is restored to its original number. Accordingly, application stands disposed off.

OA 48/2018:

Let counter affidavit be filed within four weeks' with advance copy to the applicant who may file rejoinder, if any, within four weeks' thereafter.

2. List before the Principal Registrar's court on **25.09.2018** for completion of pleadings.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

07.08.2018/Sp