

**COURT NO. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

17.

MA 1990/2019 in OA 529/2018

Ex. CPO(STD)Sorab Khan

..... Applicant

Versus

Union of India & Ors

..... Respondents

For Applicant

: Mr. R.K.Rastogi, Advocate

For Respondents

: Mr. Arvind Patel, Advocate

CORAM:

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

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

ORDER

19.08.2019

MA 1990/2019

Vide this application, applicant seeks restoration of the OA which was dismissed for non-prosecution on 23.7.2019.

2. It is alleged in the application that counsel for the applicant had gone for pilgrimage to Kailash Man Sarovar Yatra, 2019 from 10.7.2019 to 30.7.2019. He requested one of his colleagues. However, that counsel could not appear on the date fixed which resulted in dismissal of the application. It is stated that the absence was neither intentional nor wilful but due to aforesaid reasons.

3. Notice is issued to counsel for the respondents who do not want to file reply to the application. The application is supported by affidavit of the applicant who is reported to be residing at Delhi. No explanation has been given by the applicant as to why in the absence of the counsel, he could not appear before the Tribunal and apprise about the inability of the counsel to appear. Counsel for the ^{applicant}respondents however, submits that hence forth in case he

is not available, he ^{may} ensure that applicant is personally present.

4. In view of the same, the application is allowed, order dated 23.07.2019 is set aside and OA is restored to its original number and position. MA stands disposed off.

MA 768/2019

Vide this MA, respondents seeks waiver of costs of Rs. 5000/- imposed upon the respondents for not filing the reply in time.

2. In view of the averments made in the application, the same is allowed. The costs of Rs. 5000/- stands waived. MA stands disposed off.

MA 769/2019

Vide this application, applicant seeks condonation of delay of 59 days in filing the counter affidavit.

2. In view of the averments made in the application, delay of days in filing the counter affidavit is condoned. Counter affidavit is taken on the record.

OA 529/2018

Counsel for the applicant seeks time to file rejoinder. Same be filed within four weeks with copy to counsel for the respondents.

2. Relist on 17.02.2020.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

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