

Restoration Application No. 02/R/22
(Arising out of Claim Petition No. 70/SB/2020)

Dated: 21.04.2022

Present: Sri V.P. Sharma and Abhishek Chamoli, Advocates,
for the Petitioner
Sri V.P. Devrani, A.P.O., for the Respondents

Restoration application has been filed by the petitioner to set aside order dated 07.04.2022 passed by this Tribunal in claim petition no. 70/SB/2020.

The order reads as below:

Present claim petition was filed by the petitioner for setting aside the impugned order dated 07.02.2017 (Annexure: A-1) and impugned appellate order dated 14.012.2018 (Annexure: A-2), passed by respondents no. 3 and 2 respectively.

2. On the date of presentation of present claim petition, Ld. A.P.O. objected to the maintainability of the claim petition *inter alia*, on the ground that the same is barred by limitation. Objections were filed by Ld. A.P.O. on behalf of respondents. The point of delay was left open to be decided at the time of final hearing of the claim petition. The claim petition was admitted subject to limitation.

3. On 23.03.2022, Sri L.K.Maithani, Ld. Counsel for the petitioner withdrew his Vakalatnama (filed on behalf of petitioner). Administrative notice was issued to the petitioner for today (*i.e.* 07.04.2022). The administrative notice was returned with the endorsement by the postal department that the address is incomplete, while the notice was issued to the petitioner on the address given by him in his claim petition.

4. Ld. A.P.O. was requested to find out from S.S.P., Pauri Garhwal about present posting of the petitioner. Ld. A.P.O. has been informed that the petitioner is presently posted at Kotwali Lansdown. Ld. A.P.O. was also supplied petitioner's mobile number- 7830106999. The petitioner did not respond to the call of Ld. A.P.O. It is also informed that the petitioner did not respond to the call from S.S.P. office either.

5. Ld. A.P.O. submitted that the claim petition is barred by limitation in view of Section 5(1)(b)(i) of the Uttar Pradesh Public Services (Tribunal) Act, 1976.

6. In the given circumstances, the Tribunal finds no option but to dismiss the claim petition in default of the petitioner. The claim petition is, accordingly, dismissed in default of the petitioner.

7. It is made clear that the Tribunal has not expressed any opinion on the merits of the case.

8. Let a copy of this order be sent to S.S.P., Pauri Garhwal, who is requested to inform the petitioner that the claim petition has been dismissed in default.

2. Restoration application has been filed within time *i.e.* on 19.04.2022. Claim petition was dismissed in default on 07.04.2022. The ground for absence, as shown in the restoration application, is sufficient.

3. Restoration application is, therefore, allowed. Order dated 07.04.2022 is set aside. Claim Petition No. 70/SB/2020 is restored to its original number.

4. List the original claim petition be listed today itself for hearing, with the consent of learned Counsel for the parties.

(JUSTICE U.C. DHYANI)
CHAIRMAN

RS