



1

MP-2560-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&amp;

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 2<sup>nd</sup> OF APRIL, 2026MISC. PETITION No. 2560 of 2025*BIRBAL SINGH**Versus**UNION OF INDIA AND OTHERS*

.....  
Appearance:

*Shri Vijay Kumar Tripathi - Advocate for the petitioner.*

*Shri Shrikrishna Sharma - Advocate for the respondent.*

.....

ORDER

*Per. Justice Vivek Rusia*

The present petition is filed challenging the order dated 21.03.2024 whereby M.A No.691/2023 has been dismissed, which was filed for the restoration of the Original Application No.858/2019. According to the Tribunal, O.A was listed on several occasions, but neither applicant nor his counsel appeared before the Tribunal.

2. So far as the counsel is concerned, there is no explanation by the earlier counsel why he did not appear. The law is well settled that the parties should not suffer because of the fault on the part of the counsel. The applicant was under the impression that his counsel was keeping care of his case, and he did not need to appear in person on each and every date. Immediately after the dismissal of O.A, the present M.A was filed in the year



2023 itself. Therefore, it appears that the petitioner was vigilant about his case and still is willing to pursue the case on the merits.

3. Keeping in view the aforesaid, this petition is **allowed**. The impugned order dated 21.03.2024 is quashed. Original Application No.858/2019 is restored to its original number subject to depositing a cost of Rs.1,000/- (One Thousand Only) payable to Central Administrative Tribunal Bar Association Jabalpur.

**(VIVEK RUSIA)**  
**JUDGE**

**(PRADEEP MITTAL)**  
**JUDGE**

ak