



**Central Administrative Tribunal
Principal Bench, New Delhi**

**MA No. 2730/2019
OA No. 603/2020**

This the 28th day of February, 2020

Hon'ble Mr. R.N. Singh, Member (J)

Sh. Lav Kumar Saxena
S/o Late Dr. C.P. Saxena
R/o U-15, Green Park Extension, New Delhi.

(By Advocate : Mr. Kumar Sameer)

...Applicant

Versus

1. The zonal Accounts Officer
Central Board of Direct Taxes
301 & 303, Amruta Estate
Near Girnar Cinema, Rajkot, Gujarat.
2. AO & DDO
Office of Chief Commissioner of Income Tax
Aayar Bhawan, 6th Floor, Race Course, Ring Road, Rajkot, Gujarat.
3. The Pr. Controller of Accounts
Central Board of Direct Taxes
AAyakar Bhawan, M.K. Road, Mumbai – 400020.
4. Central Board of Direct Taxes
(Through Authorised Representative)
Ministry of Finance, North Block, New Delhi – 110001.

.... Respondents

(By Advocate : Mr. R.K. Jain)

ORDER (ORAL)

Mr. R.N. Singh :

Heard the learned counsels for the parties.

2. In the present OA filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following reliefs :

- “(a) Quash the order dated 08.09.2017, issued by A.O. & D.D.O., Chief Commissioner of Income Tax, Rajkot, vide which the amount of Rs. 2,03,626/- was recovered from the pensionary benefits of the Applicant;



- (b) Give appropriate direction(s) that the provisional pension of the Applicant be drawn as per original pay fixation prior to the recovery made ;
- (c) Pass any other relief which the Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case.”

3. In response to the notice by the Tribunal, the respondents have filed reply to the condonation of delay in filing the aforesaid OA and have also opposed the claim of the applicant made in the OA as well as in the MA.

4. Mr. R.K. Jain, learned counsel for respondents has also taken an objection that the applicant in the OA has not even challenged the order dated 04.04.2018 (Annexure R-1) vide which the respondents have considered and rejected the claim of the applicant in pursuance of direction of this Tribunal dated 03.12.2018 in OA No. 4417/2018.

5. In the aforesaid background, at this stage, learned counsel for the applicant seeks permission to withdraw the present OA with liberty to the applicant to agitate his grievance in accordance with law.

6. In view of the facts and circumstances, permission is granted and the OA stands dismissed as withdrawn with liberty as prayed for.

7. In view of above, the MA No. 2730/2019 also stands disposed of.
There shall be no order as to costs.

(R.N. Singh)
Member (J)

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