

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 2654/2001

New Delhi, this the 18th day of September, 2002

(P.S.)

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri M.P. Singh, Member (A)

Rajender Pal Singh
Vill. & PO Gadarpara
Distt. Udhana Singh Nagar, Uttaranchal .. Applicant
(Shri U.Srivastava, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Railway
Rail Bhavan, New Delhi
2. General Manager
Northern Railway
Baroda House, New Delhi
3. Controller of Stores
Northern Railway
Baroda House, New Delhi .. Respondents

(Shri R.P. Aggarwal, Advocate)

ORDER(oral)
Shri Justice V.S. Aggarwal, Chairman

.. By virtue of the present OA, applicant seeks quashing of the orders dated 16.10.95, 12.12.96 and 25.4.97. By virtue of these orders he has been removed from service. He had challenged the said orders in OA No.1134/98, which came up before the Tribunal on 28.9.1998 and the Tribunal passed the following order:

Mrs. Meera Chhibber, learned counsel for applicant submits, on the instructions of the applicant, that he is likely to get the reliefs prayed for in the OA as a result of the SC/ST Commission's recommendations. In the circumstances counsel prays for withdrawal of the OA. She also prays that, if any, further grievance survives it may be open to the applicant to pursue the remedies in accordance with law. 2. In view of the above OA is dismissed as withdrawn."

MS Ag

2. It is not in dispute that the orders that have been challenged in the present OA were also the same in OA No.1134/98. Having withdrawn the said OA indeed the applicant cannot turn around and challenge the same orders once again. (16)

3. Learned counsel for the applicant states that he has also prayed for direction to the respondents to decide the appeal of the applicant which is pending in terms of Annexure A-1. Perusal of Annexure A-1 shows that this letter dated 7.3.2001 from the Railway Board to Northern Railway for the matter to be reconsidered is only an inter-departmental communication in pursuant to certain observations made by the National Commission for SC & ST (NC-SC&ST, for short). Learned counsel for the respondents has stated at the bar that in fact respondents have already advised NC-SC&ST to reject the case of applicant and there is nothing than can be done now. In other words, the representation of the applicant that has been made to NC-SC&ST has been rejected. That being so, no further direction from this Tribunal is called for. Resultantly, present OA must fail and is accordingly dismissed. No costs.


(M.P. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

/gtv/