

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

D.A. NO. 2110/95

New Delhi this the 10th day of November, 1995.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Garib Dass S/O Durga Dass,
Gangman, Gang No.7,
Railway Station, Nabha
R/O Kishna Puri,
Railway Road, Nabha
presently residing with Sagar
Associates, R-50, Gali No.6,
Behari Colony, Shahdra,
Delhi-32. ... Applicant

(By Shri G. S. Beqrar, Advocate)

-Versus-

1. Union of India through
General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Asstt. Engineer,
Northern Railway, Patiala,
Distt. Patiala.
3. Shri Virender Singh,
A.P.W.I. Service through
Assistant Engineer,
Patiala. ... Respondents

O R D E R (ORAL)

Shri N. V. Krishnan, Act. Chairman :-

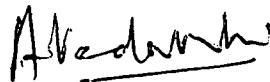
It appears that a disciplinary proceeding was initiated against the applicant in view of the alleged absence. The inquiry officer submitted an ex-parte report on 27.8.1994 (Annexure A-3/2). Thereafter, Annexure A-3/1 letter dated 6.12.1994 had been written to the competent authority to indicate whether the employee had resumed under him and if not, he may be considered as removed from service w.e.f. 19.8.1989. The applicant has sent letter dated 14.1.1995 to the Assistant Engineer, Patiala requesting that the es-parte order be set aside and he be given an opportunity to

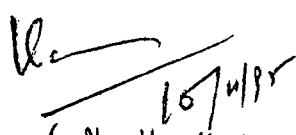
16

prove his innocence. He has now approached the Tribunal with this O.A.

2. We have heard the learned counsel for the applicant. The applicant has not exhausted the remedies available to him under the Discipline and Appeal Rules applicable to the Railway employees. In the circumstances, we are unable to accept the application at the moment.

3. In the circumstances, the learned counsel seeks *to pursue the remedy* permission to withdraw this application, with liberty to approach the Tribunal whenever his grievance ripens. The O.A. is accordingly dismissed as withdrawn with liberty to the applicant to file a fresh application in accordance with law.


(Dr. A. Vedavalli)
Member (J)


(N. V. Krishnan)
Acting Chairman

/as/