

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

MP 49/90

O.A. No. 925A/88.

T.A. No.

198

DATE OF DECISION 5<sup>th</sup> Jan. 90.

G.S. Kuril

Applicant (s)

Shri E.X. Joseph

Advocate for the Applicant (s)

Versus

Union of India.

Respondent (s)

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. T.S. Oberoi, Member (J)

The Hon'ble Mr. I.K. Rasgotra, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. To be circulated to all Benches of the Tribunal ? No

JUDGEMENT


The applicant, Shri Gauri Shankar Kuril, who filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging his dismissal from service as Inspector, Income-tax, has filed MP No. 49/90. Alongwith the <sup>A. present</sup> MP, he has filed copies of orders dated 7.12.1989 issued by the Government of India, Ministry of Finance, Department of Revenue and dated 14.12.1989 issued by the office of the Commissioner of Income-tax Bhopal. By the latter order, the dismissal of the applicant has been revoked and he has been reinstated in service subject to the following conditions:-

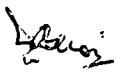
- (a) Shri Kuril will seek voluntary retirement from service with effect from 15.3.1990.
- (b) A declaration that since his dismissal from service on 5.8.1985, till date he was not engaged in any gainful employment, profession or business,

9

- (c) That he would abide by the decision of the Govt. to treat the period of unemployment from the date of dismissal i.e. 5.8.1985 to the date of rejoining the duty as the period of duty only for the limited purposes to count for increments, pension, gratuity and other retirement benefits.
- (d) He is willing to accept the decision of the Govt. that the emoluments payable to him during the period could be equivalent to the subsistence allowance viz. 50% of the pay and allowances for the first 3 months and 75% for the rest of the period.
- (e) He will withdraw the appeal filed by him before CAT, Delhi against the order of dismissal in case he is reinstated.

2. Obviously, the applicant has accepted the aforesaid conditions as he has joined duty on the forenoon of 15.12.1989. By way of the present Misc. petition, the applicant prays for permission to withdraw the O.A. It is not necessary for us to go into the merits of the orders passed by the respondents. We consider it proper to allow the applicant to withdraw the O.A. Accordingly, O.A. No. 925A/88 is dismissed as withdrawn. Parties to bear their own costs.

  
(I.K. Rasgotra) 5/1/90  
Member (A)

 5.1.90  
(T.S. Oberoi)  
Member (J)

5-1-1990