

THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

(34)

OA No.857/87

Date of decision: 27.04.1993.

Shri A.K. Belwal & Another

...Petitioners

Versus

Union of India through
Department of Economic Affairs,
Ministry of Finance & Ors.

...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman
The Hon'ble Mr. B.N. Dhoundiyal, Member (A)

For the petitioners

Petitioner No.1 in
person.

For the respondents

Shri P.P. Khurana,
Counsel.

ORDER (ORAL)
(HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN)

This case was heard for nearly two hours without any objection from the other side that the validity of amended Rule 13 of the Indian Economic Service Rules, 1961 not having been challenged in this case, the petitioners are not entitled to urge such a contention. It is only later that Shri Khurana, learned counsel raised the objection when his turn came for reply. The petitioner No.1 prayed that he may be permitted to withdraw the O.A. to enable him to challenge the validity of amended Rule 13. We consider it just and proper to permit withdrawal of this application with liberty to file a fresh one, challenging the said statutory provisions as well. As we are satisfied that the petitioners were bonafide, pursuing their remedies before the Tribunal, the period spent during the pendency

of these proceedings may have to be regarded as explaining delay if a fresh application challenging the amendment is made within a period of one month from this date.

2. With the above observations, we dispose of this O.A. as withdrawn with liberty to file a fresh one within a period of one month from this date. No costs.

B. N. Dhundiyal
(B.N. DHOUNDIYAL)
MEMBER(A)

V. S. Malimath
(V.S. MALIMATH)
CHAIRMAN

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