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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA NO.2278/2004

New Delhi this the 28<sup>th</sup> February, 2005

**HON'BLE SHRI JUSTICE M.A.KHAN, VICE-CHAIRMAN(J)  
HON'BLE SHRI S.A.SINGH, MEMBER(A)**

Shri Jamil Ul Rehman,  
Head Clerk,  
New Delhi (Chq.)  
Working in Settlement Section,  
Office of the Divisional Railway Manager,  
Northern Railway,  
New Delhi. ....Applicant.  
(By Advocate: Shri B.S.Mainee )

Versus

Union of India through

1. General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway, State Entry Road,  
New Delhi.
3. The Divisional Personnel Officer,  
Northern Railway, State Entry Road,  
New Delhi. ....Respondents.

(By Advocate: Shri R.L.Dhawan)

ORDER (ORAL)

By Shri Justice M.A.Khan, Vice-Chairman(J):

Learned counsel for applicant has submitted that the respondents have since reverted the applicant from the post of Head Clerk to Sr. Clerk by order dated 9.12.2004.

He also submitted that the present OA was filed apprehending that he would be reverted soon.

2. Counsel for applicant has further submitted that on instruction of applicant he seeks to withdraw the OA. It is further submitted that the applicant may be granted liberty to challenge the order of the reversion dated 9.12.2004 vide which he was reverted and the order dated 22.9.2004 by which he was relieved from the post of Head Clerk.

3. Counsel for respondents on the other hand stated that applicant had filed a document (annexure-2) which was only a draft proposal and was not the order passed by

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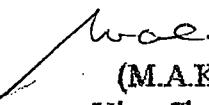
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(2)

the respondents as alleged by the applicant in para 1.2 of the OA, <sup>such</sup> as a false document was filed by the applicant. Counsel for applicant owned up the mistake on the part of the applicant who filed this document but submitted that there was no malafide on the part of the applicant filing this document. He had somehow got a copy of the order which was going to be implemented by the respondents. However, counsel for respondents does not oppose the prayer of the applicant. Though we record over displeasure on the conduct of the applicant in filing the document annexure A/2 alleging in para 1.2 of the OA that it was an order passed by the respondents in the totality of the facts and circumstances of the case and since the respondents does not oppose the prayer, we are inclined to accede to the prayer made today on behalf of the applicant.

4. Accordingly, the OA is dismissed as withdrawn leaving it open to the applicant to challenge the reversion order and the relieving orders in appropriate proceedings in accordance with law.

  
(S.A. Singh)  
Member (A)

  
(M.A. Khan)  
Vice-Chairman(J)

kdr/