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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH.
NEW DELHI.

Date of Decision: 01.06.1992

OA 1445/92

BABU RAM

... APPLICANT.

VS.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicant

... SHRI B.S. MAINEE

For the Respondent

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1. Whether Reporters of local papers may be allowed to see the judgement? <
2. To be referred to the Reporters or not? <

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER(J).)

The applicant Babu Ram was appointed as Class-IV in 1958 and was promoted in Class-III as Parcel Clerk at Railway Station, Delhi in 1972. In 1970, he was allotted a Railway Quarter. He was transferred to Ambala Cantt in 1985. In the month of October, 1986 from there he was transferred to Dhuri. He was again posted back to Delhi in May, 1987. On his re-posting he was issued a notice of cancellation of allotment in July, 1987. The applicant approached the District Judge, Delhi under Rule 9 of the PP Act, 1971 and the District

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Judge remanded the matter observing that since the applicant appears to have now stayed for about three years the Estate Officer may consider his case for regularisation. The Estate Officer, of course again turned down the request of the applicant who adopted the same legal line of challenge under Section 9 of the PP Act, 1971 and the District Judge again rejected that by the order dated 1.4.92. On the rejection of the same, the Estate Officer issued an order in execution of the order of the Estate Officer passed earlier for delivery of possession by evicting the applicant.

The learned counsel in this case has, therefore, challenged the order dated 14.5.92.

I have heard the learned counsel for the applicant at greater length and the case was reserved for judgement. After the second case was taken up, the learned counsel again requested that he wants to withdraw it as during the course of the arguments there was a query put to the learned counsel that the order of the District Judge dated 1.4.92. has not been challenged. He, therefore, wants to withdraw the application.

In the above circumstances, the learned counsel is allowed to withdraw this application, according to law.

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However, the learned counsel persists that justice should be done and he should be allowed to withdraw the application with liberty to file another application.

In the above circumstances, the applicant shall be free to file another application, subject to law of limitation.

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(J.P. SHARMA) 1.6.92
MEMBER (J)
01.06.92