

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 8TH DAY OF DECEMBER, 2000

Original Application No.575 of 1998

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

A.R.Tripathi,son of Shri S.R.Tripathi
R/o237/A Railway Colony
Kanpur Central,Kanpur.

... Applicant

(By Adv: Shri Arvind Kumar)

Versus

1. Union of India through
The General manager, Northern Railway
Baroda House, New Delhi.
2. Divisional Railway Manager, Northern
Railway, Allahabad.
3. Divisional personnel Officer,
Northern Railway, Allahabad.

... Respondents

(By Adv: Shri Prashant Mathur)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of A.T.Act 1985 the applicant has prayed for a direction to the respondents to pay arrears of salary from April 1988 to October 1990. Alongwith the counter affidavit copy of the order dated 29.5.1992 has been filed, *From* perusal of which it is clear that the applicant claimed medical leave for his absence during the period 16.4.1988 to 9.11.1990. The medical leave was claimed on the basis of the medical certificate obtained from a private doctor which was not accepted but the absence of the applicant was regularised as leave without pay by the Competent Authority. Learned counsel for the applicant has submitted that applicant was never communicated this order. Be that as it may, the consequence of the order is that the applicant cannot get pay till this order exists. The learned counsel for the applicant then submitted that he may be allowed to

:: 2 ::

withdraw this application with liberty to file a fresh application challenging order dated 29.5.1992.

The OA is accordingly dismissed as withdrawn with liberty to the applicant to file a fresh OA challenging order dated 29.5.1992 with consequential relief.

There will be no order as to costs.


VICE CHAIRMAN

Dated: 8.12.2000

Uv/