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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Registration T.A No. 1470 of 1987.

Maheshwari Sharma Petitioner.

Versus.

Union of India & Others, Respondents.

Hon'ble A.Johri,A.M.
Hon'ble G.S.Sharma,J.M.

By this Writ Petition received on transfer from the Allahabad High Court under section-29 of the Administrative Tribunals Act,1985 the petitioner had challenged an order removing him from service under Rule-14(II) of the Railway servants Discipline & Appeal rules 1968 and had prayed that the impugned order may be quashed. We have heard Shri.V.Singh. According to him the respondents have already considered the appeal filed by the petitioner against the impugned order and modified the order of dismissal by re-instating the petitioner and treating the period between the date of dismissal and re-instatement as Dies-non. By an application No.62-A of 1988 which is before us today, the learned counsel has sought for amendment of the Writ Petition which was ³⁴ filed ~~fixed~~ in 1984. By this amendment application the relief clause is sought to be amended. In our opinion, this amendment application ³⁵ ~~is~~ being against an order dated 21.8.86, which was served on the petitioner on 19.3.87 is not maintainable as not only it has been filed much beyond the period of limitation but original relief does not exist. The learned counsel further submits ³⁶ that he does not want to press this petition and he will file a fresh application against new cause of action. In view of the same we dismiss the amendment application as well as the Writ Petition

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which has become infructuous. The learned counsel may file a fresh application against the present grievance ^{or if he so desires} explaining the reason for delay in filing the same.

The petition is disposed of accordingly without any order as to costs.

[Signature]
Member (J)

[Signature]
Member (A)

Dated: 3rd February, 1989.
brc/