

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD  
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Original Application No. 705 of 2003

Dated: This the 20th day of September, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Subhash Mukherji, aged about 40 years,  
S/o Late Shri S.N.Mukherji, R/o 2/3,  
Drumond Road, Allahabad.

.....Applicant.

By Advocate: Shri Rakesh Verma

Versus

1. Union of India through Secretary, Ministry of Urban Development Poverty Alleviation, New Delhi.
2. The Superintending Engineer, Samanvaya Parimandal ( Civil ), C.P.W.D., New Delhi.
3. The Chief Engineer, NZ(II), C.P.W.D., Kendriya Bhavan, Sector H Aliganj, Lucknow.
4. The Superintending Engineer, Allahabad Central Circle C.P.W.D., 841, University Road, Allahabad.
5. The Executive Engineer, Allahabad Central Division, C.P.W.D., 76, Luckerganj, Allahabad.
6. Sri Shiv Baran, presently residing at Type II, 37, C.P.W.D. Colony, Jayantipur, Allahabad.

...Respondents.

By Advocate: Shri R.K.Tiwari

O R D E R

By Hon'ble Mrs. Meera Chhibber, J.M.

By this O.A. applicant had challenged the



...page 2/-

order dated 29.4.2003 whereby he was transferred from Allahabad to Lucknow in public interest (page 13). Today when the matter was called out, counsel for the respondents filed an application with a prayer to dismiss the O.A. on the ground that after filing of the counter affidavit petitioner gave his letter dated 18.5.2004 to the department submitting his joining report along with Medical fitness certificate in the office of respondent no.3 i.e. the Chief Engineer (NZ-II) C.P.W.D., Lucknow where he has been allowed to join his duties w.e.f. 18.5.2004 vide office order dated 19.5.2004(Annexure-I). They have further stated that applicant has also given a letter dated 07.6.2004 to the department, which is addressed to Shri Rakesh Verma, advocate, requesting him to withdraw the case no. 705 of 2003 from Central Administrative Tribunal(Annexure-3). They have, thus, submitted that in view of his letter given to the department, this O.A. may be dismissed as withdrawn.

2. Counsel for the applicant, however, submitted <sup>that</sup> ~~no~~ such letter has been received by him, therefore, he is not in a position to make any statement regarding ~~to~~ withdraw <sup>of</sup> the case.

3. It is correct that in the absence of any specific instructions, counsel for the applicant cannot make any statement to withdraw the case, but since applicant has himself given a signed letter to the department wherein he has shown his desire to withdraw the case number 705 of 2003, therefore, this case is dismissed as withdrawn in view of the letter given by the applicant to the department, which is taken on record.



Member-J

Brijesh/-