

(14)

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No.765 of 2007

Allahabad, this the 7th day of August, 2008.

Hon'ble Mr. Justice A.K. Yog Member-J
Hon'ble Mr. K.S. Menon, Member-A.

Ganesh Pratap Singh, S/o Sri R.P. Singh, Aged about 43 years, R/o Village & Post Kotwa, District Allahabad.

....Applicant.

By Advocate : Shri S.S. Sharma

Versus

1. Union of India, through the General Manager, North Central Railway, Headquarters Office, Allahabad.
2. The G.M., N.C.R., Headquarters Office, Allahabad.
3. Divisional Railway Manager, North Central Railway, D.R.M., Office, Allahabad.
4. Senior Divisional Commercial Manager, North Central Railway, DRM Office, Allahabad.

...Respondents.

By Advocate : Shri Avnish Tripathi

Alongwith

Contempt Petition No. 139 of 2007

Ganesh Pratap Singh, S/o Sri R.P. Singh, Aged about 43 years, R/o Village & Post Kotwa, District Allahabad.

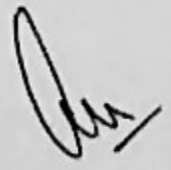
....Applicant.

By Advocate : Shri S.S. Sharma

Versus

1. Sri Shivendra Kumar Shukla, Sr. Divisional Commercial Manager, N.C.R., DRM Office, Allahabad.
2. Sri Umakant Mishra, S/o Sri Deo Narain Mishra, Office Superintendent in the office of Sr. Divisional Commercial Manager, N.C.R., DRM Office, Allahabad.

...Respondents.



(15)

By Advocate : Shri Avnish Tripathi

O R D E R

By Justice A.K. Yog, Member-J

Heard learned counsel for the applicant and the respondents. Perused records of the O.A. as well as Contempt Petition (filed on alleged grievance that the respondents are guilty of violating interim order passed by this Tribunal in the aforementioned O.A.). Instead of hearing Contempt petition arising out of an interim order passed in pending O.A.), as suggested by the learned counsel for the applicant, we propose to decide the O.A. itself finally on merits as well as the Contempt petition.

2. In view of the pleadings in the O.A., different orders passed by this Tribunal in the Original Application particularly final order of this Tribunal dated 22.5.2001 (passed in O.A. no. 1501 of 1994 Km. Shikha Mitra Vs. Union of India & Ors. alongwith O.A. no. 1720 of 1994 Smt. Geeta Devi Vs. U.O.I. & Ors. and O.A. no. 1721 of 1994 Ganesh Prasad Vs. U.O.I. & Ors), and order dated 29.8.2002 Annexure-10 to the O.A. whereby Review Application no. 81 of 2001 filed by Smt. Geeta Devi shows that the Review Application against that aforesaid final order was rejected. Learned counsel for the applicant admitted that against aforesaid order of the Tribunal (directing the respondents to consider the case of the applicant in O.A. no. 1721 of 1994) case of the applicant also to be considered at par.

3. It is to be noted that the order of this Tribunal in the case of Shikha Mitra is subjudice since challenged before High Court by filing Writ petition no. 1096 of 2003 (vide para 5.5 of the O.A.

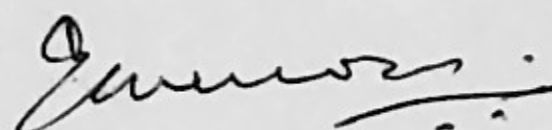
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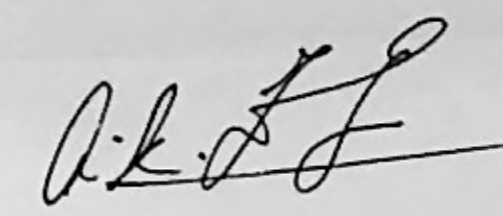
3. In view of the admitted facts, the applicant cannot seek any relief by means of the present O.A. Apart from it, when the applicant would have been advised to approach the High Court instead of filing present O.A. Parallel proceedings on the facts and cause of action cannot be permitted.

4. At this stage, learned counsel for the applicant Sri S.S. Sharma requested that the applicant may be permitted to withdraw the O.A. with liberty to seek appropriate remedy before the High Court in the aforementioned pending case. The learned counsel for the respondents has no objection.

5. In view of the above, the O.A. is dismissed as withdrawn without any right or prejudice in any manner with liberty to the applicant to approach the appropriate forum for redressal of his grievance. No costs.

6. In view of the above, the Contempt proceedings are dropped. Notices issued to the respondents are hereby discharged.


MEMBER-A


MEMBER-J

GIRISH/-