

**Central Administrative Tribunal Lucknow Bench Lucknow**

**Original Application No. 105/2010**

**This, the 19<sup>th</sup> March, 2010.**

**Hon'ble Dr. A. K. Mishra, Member (A)**

Indra Mani Dubey, aged about 54 years, son of Sri R.S. Dubey, resident of Village and Post-Dostpur District-Sultanpur.

Applicant

By Advocate Sri V.S. Tripathi

Versus

1. Union of India through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. Additional Divisional Railway Manager (Appellate Authority), N.R. Divisional Office, Northern Railway, Lucknow.
3. A. K. Singh, Additional Divisional Railway Manager, N. R. Divisional Office, Northern Railways, Lucknow.

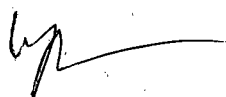
Respondents

By Advocate Sri Arvind Kumar.

Order (Oral)

By Hon'ble Dr. A. K. Mishra, Member (A)

Heard counsel for the parties. The learned counsel for the respondents has filed a preliminary objection on the ground that the averments in paragraph 3 of the original application relating to limitation are not correct. The Central Administrative Tribunal would be guided by the Administrative Tribunal Act -1985, not U.P. Public Service (Tribunal) Act, 1976. He further submits that the General Manager, Northern Railway has been vested with all powers under Section 3 of the Railway Act, 1989. Though he is a relevant party, he has not been arrayed as a respondent in this application. On the other hand, Secretary, Ministry of



Railways (MOR), has been arrayed as respondent No.1, although he has nothing to do with this case.

2. After arguments, the learned counsel for the applicant agreed to withdraw this case with a request that liberty should be given to him for the purpose. In the circumstances, he is permitted to withdraw this application and file a fresh one and the intervening period would not count towards limitation. Accordingly, the O.A. is dismissed as withdrawn No costs.

  
(Dr. A. K. Mishra)  
Member (A)

Vidya