

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW

Original Application No. 168/2010

This, the 16th day of September, 2011

HON'BLE JUSTICE ALOK KUMAR SINGH, MEMBER (J)

Mohd. Shafi aged about 66 years son of late Sri Mohd. Nabi, resident of D-53, Sarvodaya Nagar, Lucknow

Applicant.

By Advocate: Sri Praveen Kumar

Versus

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. The Divisional Railway Manager, North Eastern Railway, Ashok Marg, Lucknow.
3. The Divisional Personnel Officer, North Eastern Railway, Ashok Marg, Lucknow.

Respondents.

By Advocate: Sri Narendra Nath

ORDER (Dictated in Open Court)

By Hon'ble Shri Justice Alok Kumar Singh, Member (J)

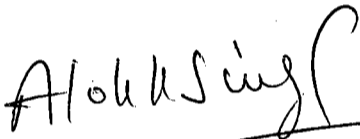
This O.A. has been filed for the following reliefs:-

- i. To quash the impugned order dated 28.3.2010 contained as Annexure No.A-1 to this OA. with all consequential benefits.
- ii. To release the DCRG amounting to Rs. 191786/- along with interest @ 12% PA.
- iii. Any other relief, which this Hon'ble Tribunal may deem fit, just and proper under the circumstances of the case, may also be passed.
- iv. Cost of the present case, as the applicant has unnecessarily been dragged into litigation.

2. At the outset, learned counsel for applicant submits that respondents have withheld commercial debit against three persons including the applicant. Two other persons were one Ramakant and S.B. Pandey. The relevant amounts were withheld from the amount of gratuity of all the three persons. The other two persons had filed

separate OAs before this Tribunal which were allowed. The respondents went to the Hon'ble High Court for judicial review but without any success.. Ultimately, the withheld amount of gratuity of those two persons have been released. Learned counsel for the applicant submits that initially he could not lay hands on all those relevant papers which may take some more time. Moreover, even after obtaining those relevant papers, it would not very smooth and practical to get the amendments done in the present OA. Therefore, he submits that this O.A. may be dismissed as withdrawn with liberty to file fresh. As far as this request is concerned, learned counsel for respondents has no objection.

3. In view of the above, this Tribunal is not advertng to other grounds. Having regard to the aforesaid submissions, this O.A. is dismissed as withdrawn with permission to file fresh. No order as to costs.


(Justice Alok Kumar Singh) 16.9.11
Member (J)

HLS/-