

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

Tr. Application No.171/87

Rameshwar Nimar Ahir,  
Assistant Guard(Brakesman),  
Central Railway,  
NAGPUR.

... Applicant

vs.

1. The Divisional Railway Manager,  
(Personnel)  
Central Railway,  
Nagpur.
2. The General Manager,  
Central Railway,  
Bombay V.T. ... Respondents

Coram:Hon'ble Member(A)S.P.Mukerji

Hon'ble Member(J)M.B.Mujumdar

Appearances:

1. Applicant in person.
2. Mr.R.M.Dhongde,  
Asstt.Personnel Officer,  
For the Respondents.

ORAL JUDGMENT Date: 7-1-1988

(Per M.B.Mujumdar, Member(J)

Heard the applicant in person and  
Mr.R.M.Dhongde, Asstt. Personnel Officer, for the  
Respondents.

2. In the service record of the  
applicant the birth date was recorded as 16-2-1925.  
Hence he was to retire on the Fore Noon of  
31-12-1983 on completing 58 years. However, he  
challenged the birth date by filing Writ Petition  
No.2861/83 in the Nagpur Bench of the Bombay High  
Court and obtained stay for his retirement and  
in view of the stay order granted by the High Court

he continued in service upto 31-12-1985 and retired on that day. The applicant has sent Misc.Petition No.350/87 for permitting him to withdraw the application. His Advocate has stated that the Tribunal may dispose of the petition as requested by the applicant.

3. Mr.Dhongde has produced a copy of the reply to the application for withdrawal. That reads as follows:

"1. The Respondents have no objection to the withdrawal of the petition subject to the following conditions:

- (a) An amount of Rs.17,367.84 will be recovered from the applicant as deduction and adjustments in pensionary equivalents for the period 1.1.84 to 31-12-85. The applicant has agreed to these deductions and adjustment as per his letter dtd. 19.6.1987(Annexure 'B')
- (b) The applicant shall not be entitled for leave salary as agreed by him vide his letter dated 31.7.87 (Annexure 'A' of the application) as also the averments made in para 2 of the application dated 31.7.87 before C.A.T."

The applicant has given in writing that he has no objection to dispose of the application on the above basis. We have also heard the applicant in person ~~also~~ and he stated that the application may be disposed of on the above lines. We,therefore, direct that the application(Writ Petition No.2861 of 1983)is disposed of as withdrawn on the lines indicated in the respondents' letter dtd. 24-8-1987, which we have quoted above, with no orders as to cost.

  
(S.P.MUKERJI)  
Member(A)

  
(M.B.MUJUMDAR)  
Member(J)