

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 565 OF 2005

[Patna, this Thursday, the 14th Day of December, 2006]

C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

Nawal Kishore Prasad,
S/o Late Rameshwar Prasad.

Vs.

Union of India through Secretary,
Ministry of Railways,
Rail Bhavan, New Delhi.

Counsel for the applicant. :- Shri Rajnish Kumar.

Counsel for the respondents.:- Shri M.N.Parbat, ASC.

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- Heard learned counsels for both the sides.

2. The case of the applicant as coming through his representation submitted to the Divisional Railway Manager, N.E.Railway, Sonpur dated 06.05.2004 is that while working under the Railway he could not discharge duty from 20.10.1977 to 02.04.1994 owing to a long ailment, admitting that in the meantime in the year 1984 he received a memo of charge dated 13.12.1984 issued by the DRM, Sonpur alleging unauthorised absence. He had claimed in that representation that he was not allowed to join his duty. He also informed that had he continued in the service he would have superannuated in usual course on 28.02.2004. He requested the authority to take necessary steps to fix his pension on the basis of length of service. The only prayer in this application is to direct the respondents to take into consideration the representation of the applicant vice Annexure-1 and to dispose of the same by

[Signature]

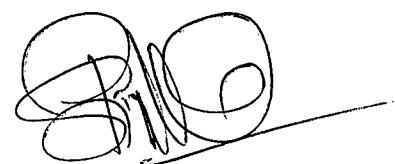
passing necessary orders.

3. Now, the written statement has been filed in which it has been stated that because of his unauthorised absence a departmental proceeding had been initiated against him and was completed when the applicant did not appear despite notice in a daily newspaper dated 30.09.1993 and, ultimately, ^{he} was punished with removal from service w.e.f. 08.03.1995.

With this revelation, obviously the application, in the light of the prayer that has been made therein, has become infructuous.

4. Learned counsel for the applicant admits that it is in the Tribunal on receipt of the written statement ^{that} he came to know about the punishment awarded to him in the departmental proceeding. He seeks permission, in the circumstances, to withdraw this application with liberty to move against the order of dismissal from service.

The prayer is allowed and this application, having become infructuous, stands dismissed. The applicant, if so advised, may take further legal steps subject to limitation. No costs.



[P.K.Sinha]/VC

skj.