

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO:864/1999  
DATED THE 14TH DAY OF JULY, 2003

CORAM:HON'BLE SHRI JUSTICE R.R.K.TRIVEDI, VICE CHAIRMAN  
HON'BLE SHRI SHANKAR PRASAD, MEMBER(A)

G.R.Bagriya,  
Director General(Sub),  
Western Railway,  
Churchgate.

... Applicant

By Advocate Shri G.S.Walia

V/s.

1. Union of India, through  
General Manager,  
Western Railway,  
Head Quarters Office,  
Churchgate,  
Mumbai - 400 020.

2. The Secretary,  
Railway Board,  
Ministry of Railways,  
Rail Bhavan,  
New Delhi.

... Respondents

By Advocate Shri V.S.Masurkar

(ORAL)(ORDER)

Per Shri Justice R.R.K.Trivedi, Vice Chairman.

We have heard Shri G.S.Walia for Applicant and Shri V.S.Masurkar, for respondents. By this OA, applicant is challenging the adverse entries awarded to him for the year ending 31st March, 1998. Applicant has also prayed to expunge the adverse remarks as conveyed to the applicant vide letter dated 15/7/1998. It is not disputed that applicant has been compulsorily retired from service on 21/9/99 and applicant has challenged the aforesaid order in Jaipur Bench of this Tribunal.

As the question of compulsory retirement is already pending before Jaipur Bench, in our opinion the question regarding legality of the adverse remark may also be challenged in the same OA.

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The counsel for applicant has submitted that this OA may be dismissed as withdrawn and the applicant be allowed to amend the OA pending before Jaipur Bench.

OA is accordingly dismissed as withdrawn with liberty to applicant to challenge the adverse entry in the OA in which the order of compulsory retirement has been challenged in the OA before the Jaipur Bench of this Tribunal. It is made clear that limitation shall not come in the way of the applicant.

*shankar prasad*

(SHANKAR PRASAD)  
MEMBER(A)



(R.R.K. TRIVEDI)  
VICE CHAIRMAN

abp