

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 1 AUG 1988

APPLICATION NO. 1015

/88(F)

W.P. NO. 1

Applicant(s)

Shri K.A. Madappa

To

1. Shri K.A. Madappa
Lower Division Clerk
Office of the Commander Works Engineer(MES)
101, Dickenson Road
Bangalore - 560 042

2. Shri M. Narayanaswamy
Advocate
844 (Upstairs)
Vth Block, Rajajinagar
Bangalore - 560 010

3. The Secretary
Ministry of Defence
South Block
New Delhi - 110 011

4. The Engineer-in-Chief
Army Headquarters
Engineer-in- Chief's Branch
D.H.Q. P.O.
New Delhi - 110 011

Respondent(s)

v/s The Secretary, M/o Defence, New Delhi & 3 Ors

5. The Chief Engineer
Headquarters Southern Command
Engineers Branch
Pune - 1 (Maharashtra)

6. The Commander Works Engineer
Military Engineering Service
101, Dickenson Road
Bangalore - 560 042

7. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAN/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 28-7-88.

Encl : As above

K. Narayana Rao
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 28TH DAY OF JULY, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman

APPLICATION NO. 1015/1988

Shri K.A. Madappa,
S/o K.K. Achappa,
Aged 53 years,
Lower Division Clerk,
O/o the Commander Works Engineer,
Military Engineering Service,
Dickenson Road, Bangalore-42.

... Applicant.

(Shri M. Narayana Swamy, Advocate)

v.

1. The Union of India,
represented by its Secretary,
Ministry of Defence,
Sena Bhavan, New Delhi.

2. The Engineer in Chief,
Army Headquarters,
Engineer-in-Chief Branch,
D.H.Q. P.O. New Delhi.

3. The Chief Engineer,
Head Quarters,
Southern Command,
Engineers Branch,
Pune-1.

4. The Commander Works Engineer,
Military Engineering Service,
Dickenson Road, Bangalore-42.

... Respondents.

On m. Vasudeva Rao ~~for~~ ^{for}
(Shri M.S. Padmarajaiah, C.G.S.S.C.)

This application having come up for hearing to-day
Vice-Chairman made the following:

ORDER

In this application made under Section 19 of the
Administrative Tribunals Act, 1985, as originally filed
the applicant had challenged Order No.132401/1/Tenure/EIB

(S) dated 9.6.1988 of Chief Engineer, HQ Southern Command,
Pune (CE) transferring him from the office of CWE Bangalore
to the Office of CWE(P) NAS Arkonam. But later the applicant

has been permitted to include a direction to the respondents to consider his case for voluntary retirement and in the meanwhile keep the order of transfer in abeyance.

2. When this case was taken up for consideration of the interim prayer, Shri M. Narayanaswamy learned counsel for the applicant files a Memo praying for permission to withdraw this application with liberty reserved to withdraw the notice of retirement earlier given seeking for voluntary retirement. Shri C. Santhanam, Administrative Officer, Office of the Commander (Works, Engineering), Military Engineering Service, Bangalore (Respondent-4) representing the respondents, submits that the notice given by the applicant for voluntary retirement had not so far been processed and final orders thereto had not been made. He also opposes any interference of the order of transfer originally challenged by the applicant.

3. As the applicant himself is withdrawing his challenge to the transfer order the question of this Tribunal interfering with the same does not arise. I consider it proper to permit the applicant to withdraw this application.

4. In his memo the applicant had stated that he proposes to withdraw the notice of voluntary retirement given by him under Rule 48A of the CCS (Pension) Rules, 1972, I have earlier noticed that notice has not so far been processed and orders thereto had not been made. In this view, it is open to the applicant to withdraw the same. When that is done by the applicant I have no doubt that the competent



authority will consider the same favourably and grant the same without reference to the earlier developments and events.

5. In the light of my above discussion, I dismiss this application as withdrawn by the applicant for the reasons stated in his memo. But in the circumstances of the case, I direct the parties to bear their own



Sd/-

VICE-CHAIRMAN

28/1/1981

TRUE COPY

bsv/MRV.

Praveen Bhat
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE