

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA NO.1/2005 WITH MA No. 102/2005.

Jaipur, this the 15th day of April, 2005.

CORAM : HON'BLE MR. J. K. KAUSHIK, JUDICIAL MEMBER.
HON'BLE MR. A. K. BHANDARI, ADMINISTRATIVE MEMBER.

Bachu Singh
S/o Shri Ramji Lal,
Aged 44 years,
R/o Village Jodhpuria,
Post Bandikui, District Dausa,

.... Applicant.

By Advocate : Shri Nand Kishore.

Vs.

1. Union of India
Through General Manager,
North Western Railway,
Hasanpura Road,
Jaipur.
2. Divisional Railway Manager,
North Western Railway,
Power House Road,
Jaipur.

... Respondents.

By Advocate : Shri N. C. Goyal.

: O R D E R :

By J. K. Kaushik, Judicial Member.

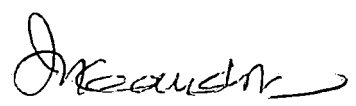
In MA No.102/2005, the applicant has prayed that he may be permitted to amend the OA and file fresh OA with new facts and grounds. Learned Counsel for the applicant has submitted that there are certain facts and grounds which could not be brought on the record in the earlier OA and they have material bearing in the matter and would result in major change in the pleadings. He has

submitted that certain documents were also required to be incorporated and in this view of the matter he has been instructed to withdraw this OA with liberty to file fresh one.

2. On the other hand, Learned Counsel for the respondents has serious objection for withdrawal of the OA and has made a request that the respondents may be permitted to file reply to the MA. We find that the MA has not been happily worded. However, we accept such prayers, even if, made by the Learned Counsel for the parties even orally. In this view of the matter, pleadings are not so material since we are not adjudicating the matter on merits. The applicant only seeks to withdraw this OA for the reasons that certain new facts and grounds have become available to him or were available and has not been able to incorporate in the pleadings. Respondents should not have any objection for the same as their rights whatsoever are not going to be affected and in case the applicant file a fresh application they would have sufficient platform for putting forward their defence version.

3. In this view of the matter, we permit the applicant to withdraw this OA with liberty to file fresh one in case he is felt so advised. Ordered accordingly. The OA stands dismissed as having been withdrawn and accordingly MA also stands disposed of.


(A. K. BHANDARI)
ADMINISTRATIVE MEMBER


(J. K. KAUSHIK)
JUDICIAL MEMBER