

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

O.A. No. 263/1999.

Date of Order : 30.04.2002

Hukam Singh S/o Shri Bag Singh by caste Rajput, age 50 years, R/o Village Thikariya Khurd, Manda Bhim Singh, Tehsil Nawa, Distt. Nagaur at present residing H. NO. 405, Jhalana Dungari, Near Govt. School, Jaipur.

... APPLICANT.

v e r s u s

1. Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shahid Jeet Singh Marg, New Delhi through its Commissioner.
2. Asstt. Commissioner, Kendriya Vidyalaya Sangathan Regional Office Bajaj Nagar, Jaipur.
3. Principal, Kendriya Vidyalaya No. 1, Bajaj Nagar, Jaipur.
4. Shri J. C. Badhwa C/o Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shahid Jeet Singh Marg, New Delhi through its Commissioner.

... RESPONDENTS.

Shri A. C. Upadhyay, counsel for the applicant.
Shri V. S. Gurjar, counsel for the respondents.

CORAM

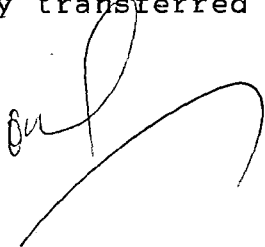
Hon'ble Mr. Justice O. P. Garg, Vice Chairman.
Hon'ble Mr. A. P. Nagrath, Administrative Member.

: O R D E R :

(per Hon'ble Mr. Justice O. P. Garg)

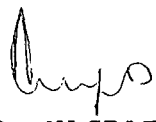
Heard the learned counsel for the parties.

2. The applicant who was a class IV employee, was compulsory retired from service vide order dated 10.09.1997. The applicant had preferred a departmental appeal against the order of compulsory retirement. It appears that when the appeal was not decided for a long time, the applicant filed a writ petition before Hon'ble the High Court, which was ultimately transferred to this Tribunal and converted



to the present OA. The appeal was decided on 21.12.1998. The order of compulsory retirement passed by the Disciplinary Authority has merged in the order of appeal. The applicant has not challenged the order passed in appeal. Learned counsel for the applicant urged that unless the order passed in appeal is challenged, the applicant cannot be granted effective relief in this OA. He prays that he may be allowed to withdraw the present OA with a liberty to file a fresh OA. Shri V. S. Gurjar, learned counsel for the respondents, raised the question of limitation.

3. The OA is dismissed as withdrawn, with a liberty to file a fresh OA, subject to the plea of limitation.


(A. P. NAGRATH)
MEMBER (A)


(JUSTICE O. P. GARG)
VICE CHAIRMAN