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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00860/2014
Chandigarh, this the 2nd Day of July, 2015
...

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

...

Sazad Khan S/o Sh. Aslam, R/o Quarter No.E-11-B, Railway Colony,
Sunam Distt. Sangrur (Punjab).

...APPLICANT

VERSUS

1. Union of India through Secretary, Ministry of Railways, Government of India, New Delhi-110011.
2. General Manager, Northern Railway, NDCR Building, State Entry Road, New Delhi.
3. The Sr. Section, Engineer (P-Way), Northern Railway, Dhuri.
4. Sr. Divisional Engineer-II, Northern Railway, Ambala.
5. Divisional Railway Manager, Northern Railway, Ambala Cantt.
6. Divisional Engineer, Northern Railway, Patiala.

...RESPONDENTS

Present: Sh. Parmod Chauhan, counsel for the applicant.
Sh. Lakhinder Bir Singh, counsel for the respondents.

ORDER (Oral)

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-

1. Heard.
 2. Challenge in this O.A is to order dated 25.04.2014 vide which the applicant, as Trolleyman has been ordered to be transferred/posted as Trackman.
 3. Upon notice, the respondents, represented through Sh. Lakhinder Bir Singh, Advocate have filed detailed written statement wherein they have taken a preliminary objection that the applicant has
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not approached this court with clean hands because he has not disclosed that the impugned order dated 25.04.2015 is no longer in existence as subsequent to that, the respondents have already passed the order dated 28.08.2014 (Annexure R-1), whereby the applicant has been posted as Gateman and said order has not been challenged by the applicant in the O.A. Therefore, learned counsel for the respondents prayed that the present O.A may be dismissed on two grounds. Firstly, the applicant has misled this court and secondly, the order dated 28.08.2014 which was in existence prior to the filing of the O.A, has not been challenged in the present O.A.

4. Faced with this situation, learned counsel for the applicant seeks permission to withdraw the present O.A. with liberty to file it afresh in order to enable him to challenge the order dated 28.08.2014.

5. Dismissed as withdrawn with liberty aforesaid.

(SANJEEV KAUSHIK)
MEMBER (J)

Place: Chandigarh.
Dated: 02.07.2015.

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