

**Central Administrative Tribunal  
Principal Bench, New Delhi.**

**OA-508/2013**

**New Delhi this the 09th day of May, 2016.**

**Hon'ble Mr. Justice M.S. Sullar, Member (J)**

**Hon'ble Mr. V. N. Gaur, Member (A)**

1. Arun Kumar Sharma (JE)  
S/o P. K. Vashishith  
R/o D-304 A Gali No. 7E, D-Block,  
Bhajanpura, Dehli-53  
And were Functioning at Divisional XXII  
Scheme (North) Zone, Delhi

2. P. K. Sharma (AE)  
S/o A. R. Sharma  
R/o 8/184, Sector-3,  
Rajender Nagar, Gaziabad (U. P)  
And were Division XXII  
Shahdara (North) Zone, ... Applicant

(By Advocates: Sh. Ashwin Vaish and Mr. Vinod Kumar Padey)

Versus.

1. East Delhi Municipal, Corporation  
2<sup>nd</sup> Floor, Udyog Bhawan,  
Parparganj Indl. Area,  
Delhi- 110092.

2. The Commissioner  
East Delhi Muncipal Corporation  
2<sup>nd</sup> Floor, Udyoug Bhawan,  
Parparganj Indl. Area,  
Delhi-110092.

....

Respondents

(By Advocate: Sh. K. M. Singh)

## **ORDER (ORAL)**

**Justice M.S. Sullar, Member (J)**

During the course of arguments, learned counsel for respondents has raised a preliminary objection of maintainability of this Original Application (OA) on the ground of non-availing the alternative remedy of statutory appeal. Faced with the situation, learned counsel for applicant intends to withdraw the OA to enable the applicant to file the statutory appeal at the first instance.

2. Therefore, the OA is dismissed (disposed of) as withdrawn with the aforesaid liberty as prayed for.

3. Needless to mention that in case the applicant files an application for condonation of delay, the same will be sympathetically considered in accordance with law by the appellate authority. No costs.

**(V. N. Gaur)**  
**Member (A)**

**(M.S. Sullar)**  
**Member (J)**

/neha/