

**Central Administrative Tribunal  
Principal Bench  
New Delhi**

**OA No.374/2015  
MA No.310/2015, MA No.309/2015**

**This the 5<sup>th</sup> Day of September, 2016**

**Hon'ble Mr. Justice M.S. Sullar, Member(J)**  
**Hon'ble Dr. Birendra Kumar Sinha, Member(A)**

Vinod, Age 33 years  
S/o Sh. Rajbir Singh  
VPO Halalpur  
District Sonipat, Haryana. ..Applicant

(By Advocates: Mr. Deepak Anand and Mr. Anil Sehrawat)

Vs.

Delhi Transport Corporation  
Govt. of NCT of Delhi  
I.P. Estate, New Delhi

(Through its Chairman cum Managing Director) ..Respondents

(By Advocate: Ms. Ruchira Gupta and Ms. Swati Jain)

**Order (Oral)**

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

The applicant, Vinod, S/o Shri Rajvir Singh, has preferred the instant Original Application(OA), challenging the impugned Order dated 17.12.2012 (Annexure A-1) of the Disciplinary Authority(DA), whereby a penalty of removal from service was imposed on him, invoking the provisions of Section 19 of the Administrative Tribunals Act, 1985.

2. Dissatisfied thereby, the applicant has filed the statutory appeal. Instead of waiting for the final outcome of the appeal, the applicant has straight away jumped to file the present OA to challenge the

impugned order (Annexure A-1), being illegal, arbitrary and without jurisdiction.

3. The respondents refuted the claim of the applicant. Virtually acknowledging the factual matrix and reiterating the validity of the impugned order, the respondents stoutly denied all other allegations and grounds contained in the OA and prayed for its dismissal.

4. During the pendency of the OA, the Appellate Authority (AA) has rejected the appeal of the applicant vide order 24.06.2015 (Annexure R-6).

5. At the very outset, learned counsel for the respondents has submitted that the impugned order of DA has already merged in the order of AA which was not challenged by the applicant, and in this manner, the instant OA is not maintainable.

6. Faced with the situation, learned counsel for the applicant, intends to withdraw the OA, to enable him to file a fresh OA, to challenge the impugned order of the DA as well as the AA, on the same cause of action and on all the grounds pleaded in the present OA, in accordance with law.

7. Therefore, the instant OA is, hereby, dismissed as withdrawn, with the aforesaid liberty, as prayed for.

**(Dr. Birendra Kumar Sinha)**  
**Member(A)**

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

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