

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

CP No.374/2015

IN

OA No. 2369/2013

This the 28<sup>th</sup> day of August, 2015

**Hon'ble Shri Sudhir Kumar, Member (A)**

**Hon'ble Shri Raj Vir Sharma, Member(J)**

Shri Ashok Kumar S/o Shri Ramchander-II

Safaiwala

R/o Railway Quarter No. 344/2,

Sahkurbasti, Delhi

Under Chief Medical Suptd.

(Health and Family Welfare)

Northern Railway Divisional Hospital, Delhi

(By Advocate: None)

... Applicant

Versus

Union of India: Through

1. Shri A.K. Punthia

General Manager,

Northern Railway Hospital,

Baroda House, New Delhi.

2. Shri B.K. Gupta,

Divisional Railway Manager,

Northern Railway, New Delhi.

3. Shri V.S. Sharma,

Chief Medical Supdt.

Divisional Railway Hospital,

Northern Railway, Delhi.

... Respondents

(By Advocate: Shri Satpal Singh with Shri D.K.Chaubey)

**Order (oral)**

**Per Sudhir Kumar, Member (A)**

Case called. None appears for the petitioner. Learned counsel for the respondents submits that the present C.P. is not maintainable, as the respondents of the OA had since filed Writ Petition No.6851/2015, in

which the Hon'ble High Court has been pleased to stay the operation of the order dated on 01.10.2014, through an order which reads thus:

**"O R D E R**  
**05.08.2015**

(CP No.374/2015)

(2)

Learned counsel for the petitioner submits that the learned Tribunal has failed to take into notice the decision of the Supreme Court reported in the case of **Gopal Raj v. Sh. Prabhakar Hari Raju**, at 2008 (2) SCC(L&S) 311 wherein it has been held that an admission may during the course of inquiry can be relied upon in terms of Section 58 of the Evidence Act and thus the parties were not required to be present.

Issue notice to the respondent to show cause as to why Rule nisi be not issued, returnable on 06.10.2015. Notice in the stay application as well.

In the meanwhile, operation of the impugned order shall remain stayed.  
Dasti."

2. In view of above, the CP is dismissed, as having become infructuous. Notices issued earlier are discharged.

(Raj Vir Sharma)  
Member (J)

(Sudhir Kumar)  
Member (A)

/kdr/