

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**MA No.060/01357/2017 IN
OA No.060/01064/2017**

Date of decision- 09.01.2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Yogesh Kalia son of Sh. Sohan Lal Kalia, age 61 years 8 months, resident of H.No.49-A, Model Town, Street No.3, Amritsar, Tehsil and District Amritsar (Grade-C).

...APPLICANT

BY ADVOCATE : Mr. C.L. Verma, Advocate.

VERSUS

1. Union of India through Secretary Railway, Rail Bhawan, Raisina Road, New Delhi.
2. Senior Divisional Signal and Telecom Engineer, Northern Railway, Ferozepur.

...RESPONDENTS

BY ADVOCATE: Mr. Yogesh Putney.

ORDER (ORAL)

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SANJEEV KAUSHIK, MEMBER(J):-

The present O.A. has been filed whereby the applicant has challenged the initiation of departmental proceedings and ultimately the order of removal from service dated 20.01.2016. Along with O.A., the applicant has also moved MA for condonation of delay. Learned counsel for the applicant prayed that delay of 7 months 18 days in filing the present O.A may be condoned.

2. Upon notice in MA, Mr. Yogesh Putney, Advocate appeared on behalf of the respondents. He vehemently opposed the prayer made in MA for condoning unexplained huge delay. He also argues that this petition is also deserved to be dismissed for two more reasons,

firstly the applicant has not impugned order in appeal. Secondly for want of alternative remedy of revision.

3. Faced with this situation, learned counsel for the applicant seeks permission to withdraw the instant OA along with MA enable him to file revision petition against the order of Appellate Authority which has also not challenged in present OA.

4. His prayer is not opposed by learned counsel for the respondents.

5. Considering the above, the applicant is permitted to withdraw OA alongwith MA enabling him to avail alternative remedy against the order of Appellate Authority. If the applicant files the revision petition against the order of Appellate Authority along with an application for condonation of delay within 15 days from the date of receipt of certified copy of this order, then the respondents are directed to decide his application objectively and if reason are there, then delay be condoned, revision petition be decided on merit, otherwise order be communicated to the applicant.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 09.01.2018.

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