

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.520/2018 with MA Nos.436 & 438/2018

This the 06th day of December, 2018

**Coram : Hon'ble Ms. Archana Nigam, Administrative Member
Hon'ble Shri M.C.Verma, Judicial Member**

1. Shri Kantigar C. Goswami
S/o. Chandugar Goswami
Aged 60 years
Retired (Medical Invalid) as Welder Gr.II under CPWI(E), RJT
2. Hardikgiri Goswami
Adopted son of Kantigar Goswami
Aged 23 years
Both Residing at : M/708, Gujarat Housing Board
Sanala Road, Rajkot 363 641..... Applicants

(By Advocate : Ms. S.S.Chaturvedi)

VERSUS

1. Union of India
Notice to be served through
General Manager
Western Railway, Churchgate
Mumbai 400 020.
2. Divisional Railway Manager (E)
Western Railway,
Kothi Compound,
Rajkot Division, Rajkot – 360 001..... Respondents.

CAT, Ahmedabad Bench

ORDER – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

It is a fresh matter and is at the stage of notice-hearing. Learned counsel, Ms. S.S.Chaturvedi who appeared for applicant submits that impugned order reflects that request of the applicant was not given proper thought and was rejected cursorily. She took us to Annexure A-1, the impugned order of the OA. Operative portion of content of Annexure A-1, for sake of brevity is reproduced, verbatim, herein below :

“With reference to the above, it is informed that your request has not been considered by the competent authority due to following reasons :

- 1. Though you were retired on invalidation w.e.f. 18.2.1999, you have not applied for compassionate appointment till 2013.*
- 2. You have never tried to enter the name of your adopted son in family particulars for complementary pass account.*
- 3. His name is also not appearing in family particulars at the time of your retirement though adoption was done in the year 1998 i.e. prior to your retirement.*
- 4. The name "Shri Bharatgiri" is appearing in the educational qualification (SSC Marksheets) of Shri Hardit up*

CAT, Ahmedabad Bench

to 2013 untill it is changed by Gazette notification in the month of May, 2013."

2. Learned counsel at the outset emphasized the opening lines of impugned order (Annexure A-1) which reads: "*With reference to the above, it is informed that your request has not been considered by the competent authority due to following reasons*" and contended that it obviously reveals that request was turned down without application of mind. However, she added that applicant wish to explore remedies within department by way of appeal or revision, whatsoever permissible under Rules and do not want to press this OA but wants to withdraw the same, with liberty to exhaust departmental remedies.

3. Considered the submission. Taking note of submission of learned counsel made at Bar, this OA is allowed to be withdrawn and accordingly, is dismissed as withdrawn. In view of disposal of OA, both MA Nos.436 & 438/2018 also stand disposed off.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)