

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.368/2015

Date of Decision: 17.12.2018.

***CORAM:HON'BLE DR. BHAGWAN SAHAI, MEMBER (A)
HON'BLE SHRI R.N. SINGH, MEMBER (J)***

Shri Hitendra S. Wahane,
Age 46 years, Occ. Service.
R/at 15, Vasudev Bldg., Krushna
Complex, Chinchpada Road,
Kalyan (E), Dist. Thane.
Working Address: Sr. DME (D),
Kalyan Diesel Loco, Kalyan, Central Rly. ... *Applicant*
(Advocate Shri R.K. Singh)

VERSUS

1. Union of India, through
The General Manager,
Central Railway, Head Quarter
CST, Mumbai 400 001.
2. The Chief Personnel Officer (CPO)
I.R. Central Railway, Head Quarter,
G.M. Bldg., CST Mumbai – 400 001.
3. The Sr. DGM,
Central Railway, Head Quarter,
CST, Mumbai 400 001. **Respondents**
(Advocate Shri V.D. Vadhavkar)

ORDER (Oral)
Per : Shri R.N. Singh, Member (J)

After arguing at length, the learned counsel for the applicant seeks permission to withdraw the OA with liberty to file a better OA. Learned counsel for the respondents submits that the OA is bad in law and not maintainable being barred by

limitation, non-joinder of necessary party and also in view of the principle of estoppel.

2. However, in view of the request made by the learned counsel for the applicant, the OA is dismissed as withdrawn with liberty to the applicant to file fresh application in accordance with law. However, we make it clear that we have not expressed any opinion on merits of claim of the applicant. In the facts and circumstances, no order as to costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

dm.