

ORAL

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the 8th Day of May, 2019)

Hon'ble Ms. Ajanta Dayalan, Member (Administrative)
Hon'ble Mr. Rakesh Sagar Jain, Member (Judicial)

Original Application No.330/463/2019
(U/S 19, Administrative Tribunal Act, 1985)

Smt. Kanak Lata Upadhyay, wife of Sri Anil Kumar Upadhyay, Resident of T/66G, Railway Bauliya Colony, Gorakhpur.

..... **Applicant**

By Advocate: Shri Rajesh Kumar Srivastava

Versus

1. Union of India, through Secretary Ministry of Railway, Rail Bhawan, New Delhi.
2. Divisional Railway Manager, North East Railway Ashok Marg, Lucknow.
3. Senior Divisional Electrical Engineer North East Railway, Ashok Marg, Lucknow.
4. Anil Kumar Upadhyay son of Late Ram Kinkakr Upadhyay Resident of Mohalla Andhiyari Bagh Uttari Takiya Kawaldha Near Ramlila Ground House No.48B, Post Office Gorakhnath, P.S. Tiwaripur Tehsil Sadar, District – Gorakhpur.

..... **Respondents**

By Advocate: Shri Pramod Kumar Rai

ORDER

Delivered by Hon'ble Ms. Ajanta Dayalan, Member (Administrative)

Shri Rajesh Kumar Srivastava, Advocate, is present for the applicant. Shri Pramod Kumar Rai, Advocate is present for respondents.

2. Present Original Application has been filed by the applicant for the following relief(s):-

“(i) An order or direction to respondent No.2 to get the medical check up of the respondent No4 by medical Board.

- (ii) **An order or direction to respondent No.2 not to accept the resignation letter of the respondent No.4, till the respondent No.4 may not be medically examined by Medical Board.**
- (iii) **An order or direction to respondent No.2 to consider the application dated 23.4.2019 moved by applicant.**
- (iv) **And pass such other and further order which this Hon'ble Court may deem fit and proper in the circumstances of the present case."**

3. Counsel for the applicant states that applicant is the wife of respondent No.4, who is a class IV employee (Khalasi) posted at Gorakhpur. Further, the applicant is seeking medical checkup of her husband and not to accept the resignation letter of her husband.

4. From the perusal of the record, it is found that applicant is not a government servant and there is a family dispute between the applicant and respondent No.4. Therefore, this OA is not maintainable under Section 19 of the Administrative Tribunals Act, 1985 and is liable to be dismissed on this ground.

5. At this stage, counsel for the applicant states that he does not want to press the Original Application and requests to dismiss the OA as not pressed.

6. In view of the aforesaid submission made by counsel for the applicant, the Original Application is dismissed as not pressed. No costs.

(Rakesh Sagar Jain)
Member (Judicial)

(Ms. Ajanta Dayalan)
Member (Administrative)

Sushil