

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

**O.A. No.2073/2019**

Wednesday, this the 11<sup>th</sup> day of September 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. Anup Kumar Srivastava s/o late Sh. V S Srivastava  
aged about 60 years, lastly held Group A post as  
Ex. Principoal ADG (Audit), CBIC  
r/o D2/137, Kaka Nagar, New Delhi – 110 003

(Applicant in person)

..Applicant

**Versus**

1. Union of India through its Secretary  
Govt. of India, Ministry of Finance  
North Block, New Delhi – 110 001
2. Central Board of Indirect Taxes & Customs  
Department of Revenue  
Ministry of Finance, GOI  
North Block, New Delhi – 110 001
3. Dr. Ajay Bhushan Pandey  
Revenue Secretary, Department of Revenue  
Ministry of Finance, GOI  
North Block, New Delhi – 110 001
4. Sh. Pranab Kumar Das  
Chairman, CBIC, Department of Revenue  
Ministry of Finance, GOI  
North Block, New Delhi – 110 001

..Respondents

(Mr. Ravi Prakash, Mr. Aman Malik and Mohd. Shahab Ulla,  
Advocates)

## **O R D E R (ORAL)**

**Justice L. Narasimha Reddy:**

This O.A. is filed challenging the order of compulsory  
retirement dated 18.06.2019 passed against the applicant, in

exercise of power under F.R. 56 (j). The respondents raised an objection as to very maintainability of the O.A. on the ground that the applicant did not exhaust the remedy of review.

2. During the pendency of O.A., the applicant sought the remedy, and through an order dated 28.08.2019, the competent authority rejected the review petition.

3. In view of these developments, the applicant, who appeared in person, sought permission of the Tribunal to withdraw the O.A. with liberty to file a fresh O.A. challenging the order of compulsory retirement as well as the order passed on the review petition.

4. Permission is accorded and the O.A. is accordingly dismissed as withdrawn. It shall, however, be open to the applicant to file O.A. challenging the order of compulsory retirement and the order passed on the review petition.

There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**September 11, 2019**  
/sunil/