

Central Administrative Tribunal, Principal Bench

Original Application No. 2405 of 2003

New Delhi, this the 3rd day of October, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member(A)

Mr. N. Parthasarathy,
Member (Finance), Telecom Commission,
Telecom Commission,
Government of India,
Department of Telecommunications,
Sanchar Bhawan,
20, Ashok Road,
New Delhi-1

.... Applicant

(By Advocate: Shri Jayant Das, Sr. counsel with Shri C. Hari
Shankar)

Versus

1. Union of India
Through the Secretary,
Ministry of Railways,
Rail Bhawan, New Delhi-1
2. Railway Board,
Through the Chairman,
Rail Bhawan,
New Delhi-1.

.... Respondents

(By Advocate: Shri H.K. Gangwani)

O R D E R (ORAL)

By Hon'ble Mr. V.K. Majotra, Member(A)

Learned counsel heard.

2. Learned counsel of the applicant stated that vide Annexure A-1 dated 28.7.2003, the applicant has been issued a memorandum whereby action is proposed to be taken against him under Rule 11 of Railway Servants (Discipline and Appeal) Rules, 1968. Earlier on, the applicant had approached this Tribunal vide O.A.1507/2003 which was disposed of by order dated 12.9.2003, quashing the appointment of respondent Mrs. V. Viswanathan as Financial Commissioner. It was also directed that re-selection be made within one month, considering the applicant alongwith

others. It has been stated that without considering the applicant for the post of Financial Commissioner, the respondents have issued the impugned memorandum. Applicant has sought quashing and setting aside of the same.

3. At this stage, Shri H.K.Gangwani, learned counsel appearing on behalf of respondents made a statement at the Bar that respondents are considering the applicant for appointment as Financial Commissioner in accordance with the directions of this Tribunal contained in order dated 12.9.2003 in O.A.1507/2003.

4. In view of the statement made by Shri H.K.Gangwani, learned counsel appearing on behalf of respondents that applicant would be considered for appointment as Financial Commissioner without taking into consideration the impugned memorandum, learned counsel of the applicant seeks to withdraw the present O.A., without prejudice to his rights.

5. The O.A. is dismissed as withdrawn in the light of the above observations and without expressing ourselves on the merits of the case. It is also directed that the applicant may file a reply to the impugned memorandum within a week's time.

V.K. Majotra

(V.K. Majotra)
Member(A).

V.S. Aggarwal

(V.S. Aggarwal)
Chairman.

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