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**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

O.A.210/521/2017

Date of decision : December 11th, 2019.

**Coram: Dr.Bhagwan Sahai, Member (Administrative)
R.N. Singh, Member (Judicial).**

Ajoy Banik,
Age 58 years,
presently working as
Deputy Commissioner of
Customs Goa in the Office of
Commissioner of Customs,
Marmagoo, Goa-403 803.
and having permanent address
At 17/C/403, Kalpak Society,
Antop Hill, Mumbai-400 037.

.. Applicant.

(By Advocate Shri Ramesh Ramamurthy).

Versus

1. The Union of India
through the Secretary,
Ministry of Finance,
Department of Revenue,
Government of India,
North Block,
New Delhi-110 011.
2. The Chairman, Central Board of
Excise and Customs,
Ministry of Finance,
Department of Revenue,
Government of India,
North Block, New Delhi-110 011.
3. The Chief Commissioner of
Central Excise and Customs,
Pune Zone, 3rd Floor,
ICE House, 41-A, Sassoon Road,

Opp. To Wadia College,
Pune-411 001.

4. The Chairman, Union Public Service Commission,
Dholpur House,
Shahajahan Road, New Delhi-110 003.
.. Respondents.
(By Advocate Shri N. K. Rajpurohit).

O R D E R (O R A L)
Per : R. N. Singh, Member (J)

Present.

1. Shri Ramesh Ramamurthy, learned counsel for the applicant.

2. Shri N. K. Rajpurohit, learned counsel for the respondents.

3. The applicant has filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"(a) That this Hon'ble Tribunal be pleased to direct the respondents to grant the Applicant promotions to the post of Joint Commissioner of Customs and Central Excise from the date the Applicant's junior Maharaj Singh Union granted the same under order dated 27.06.2017 with all consequential service benefits of fixation of pay from the said date, seniority, arrears at the rate of the said fixation along with interest at 18% per annum on the said arrears from the due date till payment and the Respondents be directed to consider and grant the Applicant further promotion as Additional Commissioner of Customs and Central Excise from the due date

with all consequential benefits as mentioned above and reserving the right of the Applicant to claim the said promotion and further promotion and other service benefit from the due dates as per with his Original Junior, Uday Bhaskar Rakhee alongwith consequential benefits;

- b) That such other and further orders be passed as the facts and circumstances of the case may require;
- c) That costs of this Original Application be provided for."

4. In response to the notice from this Tribunal the respondents have filed reply and the learned counsel for the respondents invites our attention to para-19 of the reply which reads as under:

"19. With reference to Para 4(z), I say that, the Applicant's name was considered for DPC for promotion to Joint Commissioner held on 19.06.2019 by the Ministry but as charge sheet was still pending for finalization against the Applicant, the recommendations of the DPC in respect of the Applicant was kept in sealed cover."

5. In the facts and circumstances, after arguing at length the learned counsel for the applicant seeks permission to withdraw the OA with liberty in accordance with law.

6. In view the aforesaid, the OA is dismissed as withdrawn with liberty in accordance with law.

7. No order as to costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

V.

JD
20/12/19