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Central Administrative Tribunal  
Principal Bench: New Delhi

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OA No.787/97 & MAS 1191,1691/97

New Delhi, this the 24th day of July, ,1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Shri S. P. Biswas, Member (A)

R.S.Sagar,  
170, Deendayal Upadhyay Marg,  
New Delhi.

.....Applicant

(By Advocate: Shri G.K.Aggarwal)

-Versus-

Union of India through

1. Secretary,  
Ministry of Urban Affairs & Employment,  
Nirman Bhawan,  
New Delhi.
  2. The Appointments Committee of the  
Cabinet, through  
Cabinet Secretary,  
Rashtrapati Bhawan,  
New Delhi.
  3. The Director General (Works)  
Central Public Works Department,  
Nirman Bhawan,  
New Delhi.
  4. The Secretary,  
Union Public Service Commission,  
Shahjahan Road,  
New Delhi.
- (By none)

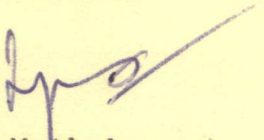
...Respondents


O R D E R (ORAL)  
[Dr. Jose P. Verghese, Vice-Chairman (J)]

Counsel for the petitioner says that the main issue being whether the sealed cover procedure resorted to during the pendency of the disciplinary proceedings can still be opened and acted upon after the disciplinary proceedings during the pendency of which a sealed cover procedure was adopted, ended with a punishment of censure.

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Respondents in this case has relied upon an OM of 1992 which in para 3(1) says tht in such circumstances, sealed cover cannot be acted upon. Counsel for the petitioner wants to challenge the said OM on various grounds. He submits that he has made averments to this effect in the rejoinder and we are afraid that it will not be sufficient to take this ground in the rejoinder and seek a relief to declare a Rule or a Sub-rule to be ultra-vires; and in the circumstances the petitioner requests that the petition may be allowed to be withdrawn with liberty to refile the same incorporating this substantial ground and relief in the main petition. Liberty is granted and this OA as well as connected MAs are dismissed as withdrawn.

  
(K. Muthukumar)  
Member(A)

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)

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