

(18)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A.NO.2540/94

New Delhi, this the 20th day of January, 1995

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri S.R. Adige, Member (A)

Dr. Vidya Dhar Sharma Guleri,  
s/o late Shri Y.S. Guleri,  
R/o 82, Street No.3,  
Andrews Ganj,  
Delhi.

... Applicant

By Advocate: Shri C. Hari Shankar

Vs.

1. Union of India  
through its  
Secretary,  
Department of Education,  
Ministry of Human Resources Development  
Shastri Bhawan,  
New Delhi.

2. Union Public Service Commission,  
Dholpur House,  
Shahjahan Road,  
New Delhi.  
through its Secretary.

... Respondents

ORDER (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

The applicant has a grievance of non-consideration of promotion to the post of Assistant Educational Adviser in the office of Department of Education, Ministry of Human Resources Development. This original application was filed on 20.12.94. The relief claimed by the applicant is to direct that a regular DPC be convened to consider the case of the applicant for promotion to the post of Assistant Educational Adviser (Sanskrit). He has also prayed for quashing of the panel framed on 25.11.94 and a direction be issued to the respondents to draw a fresh panel. This matter came for hearing earlier also when time was granted at the request of the applicant's counsel.

2. Shri C. Hari Shankar appears for the applicant and he has filed amended O.A. as misc. application No.180/95. The contention of the learned counsel is that the amended O.A. be taken on record. However, O.A.No.2540/94 as framed earlier has been registered and that is the application to be treated filed by the applicant for grant of the reliefs prayed for. If the applicant wants to amend in any manner either by deleting, modifying or adding either in the facts or in the grounds on which the impugned orders are assailed and even if the reliefs prayed for are either modified or replaced by new reliefs then the applicant has to file M.A. incorporating the same <sup>in</sup> earlier registered in O.A.No.2540/94. The amended O.A. is entirely different and cannot be substituted for the O.A. In view of these facts, the learned counsel for the applicant makes a statement that he may <sup>be</sup> permitted to withdraw the O.A.No.2540/94 with liberty to file a fresh application on the same cause of action and for the grant of the similar reliefs. In view of this M.A.180/95 is disposed of as not maintainable and O.A. 2540/94 is allowed to be withdrawn with liberty to the applicant, if so advised to file fresh application for the same cause of action. We therefore order accordingly.

*Adige*  
(S.R. ADIGE)  
MEMBER (A)

*Sharma*  
(J.P. SHARMA)  
MEMBER (J)

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