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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.No.1872/94

NEW DELHI THIS THE 16TH DAY OF SEPTEMBER, 1994.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)  
HON'BLE SHRI B.K. SINGH, MEMBER (A)

Smt Ripu Daman,  
Wife of Shri R.S. Malik, Advocate  
Chamber No.26-27, Western Wing,  
Tis Hazar Courts, Delhi-54. ...Applicant

(By Advocate : Sh R.S. Malik )

**VERSUS**

1. National Capital Territory of Delhi  
Through its  
Chief Secretary,  
5, Sham Nath Marg,  
Delhi.
2. Municipal Corporation of Delhi  
Through its Commissioner,  
Town Hall,  
Chandni Chowk, Delhi. ...Respondents

(By Advocate : None)

ORDER (ORAL)

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

The grievance of the applicant is that the criterion for promotion to the PGT (English) in Delhi Administration was on the date of birth and date of appointment in M.C.D. as Assistant Teacher. According to the applicant, she fulfils both the conditions. The learned counsel for the applicant when taken to the pleadings i.e. the Original Application, we find that MCD is not within the jurisdiction of this Tribunal. The learned counsel conceded the fact and said that he will delete the name of Respondent No.2.

2. There is averment in the application that the name of the applicant was sent by MCD. No such document has been filed nor shown to us at the time of hearing by the learned counsel. Thirdly, it is averred in the application that impugned order was passed by Respondent No.2 i.e. M.C.D. We desired that the applicant should remove defects in the application. The contention of the learned counsel for the applicant is that the Order for interim relief be passed without removing the defects pointed out in the present application. This cannot be done as the application has to be filed according to the Administrative Tribunal Procedure rule 1987. The pleadings, have first to be corrected before any Order can be passed regarding admission and grant of the interim relief. The learned counsel for the applicant states that he may be allowed to withdraw this application.

3. The application is allowed to be withdrawn with liberty to file a fresh application, if so, advised on the same cause of action, according to law. The application is disposed of accordingly.

(B.K. SINGH)  
MEMBER (A)

(J.P. SHARMA)  
MEMBER (J)