

Central Administrative Tribunal  
Principal Bench

RA No. ~~89~~ 2011 with MA No. 2853/2011  
in

OA No. 1386/2000

New Delhi, this the <sup>29<sup>th</sup></sup> day of November, 2011

Hon'ble Mr. Justice V.K. Bali, Chairman  
Hon'ble Dr. Ramesh Chandra Panda, Member (A)

1. Union of India, through  
The Secretary to Government of India,  
Indian Council of Agricultural Research (DARE),  
Krishi Bhawan,  
New Delhi-01.
2. Director General,  
Indian Council of Agricultural Research,  
Krishi Anusandhan Bhavan,  
Pusa, New Delhi-110012.

...Review Applicants.

(By Advocate : Shri B.S. Mor)

**Versus**

Shri Suersh Kumar,  
S/o Shri Chandan Singh,  
R/o House No. 76, Pochanpur Road,  
Palam Village,  
New Delhi

... Review Respondent

(By Advocate : Shri Yogesh Sharma)

**: O R D E R :**

**Dr. Ramesh Chandra Panda, Member (A) :**

**MA No. 2853/2011**

In view of the averments made in the MA, we recall the  
order dated 13.10.2011 passed in the Review Application.

The RA No.89/2011 in OA No.1386/2000 is restored to its original number.

RA No.89/2011

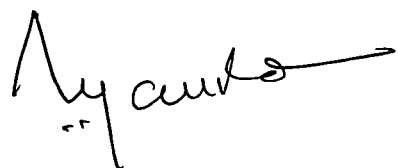
2. We heard Shri B.S. Mor, learned counsel for the review applicants and Shri Yogesh Sharma, learned counsel for the review respondent.

3. During the hearing, it was brought to our notice by the counsel for the Review Applicant that the Hon'ble High Court of Delhi has decided the **Writ Petition (C) No.848/2003** in its order dated 29.07.2011 in setting aside the order passed by this Tribunal on 07.08.2002 in **OA No.1386/2000**. The judgment of Hon'ble High Court of Delhi in the said Writ Petition reads as follows :-

"The applicant/respondent herein had filed OA No.1386/2000 which was allowed by the Central Administrative Tribunal vide orders dated 7<sup>th</sup> August, 2002 directing the petitioner herein to re-engage the service of the applicant/respondent in a post equivalent to that of Office Assistant at the minimum of the pay scale for the post. Against that order, present writ petition is preferred and rule DB was issued vide orders dated 12<sup>th</sup> July, 2004 and the stay of the aforesaid directions of the Tribunal was also granted.

By this application, the applicant states that he does not want to press his relief made in the O.A. which he had preferred before the Central Administrative Tribunal.

In these circumstances, we set aside the order passed by the CAT. The O.A. 1386/2000 will be treated as dismissed. Stay order stands vacated.



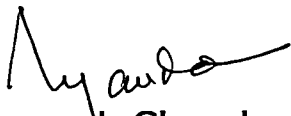
The writ petition is disposed of in the aforesaid terms."

In the peculiar circumstances of the respondent in the Writ Petition whereby he has not pressed his relief in the OA before the Hon'ble High Court of Delhi in the Writ Petition and accordingly, the order passed by this Tribunal in the OA was set aside.

**OA No.1386/2010**

4. As extracted above, the judgment of the Hon'ble High Court of Delhi has already set aside the earlier order passed by this Tribunal on 07.08.2002 in OA No.1386/2010 as the applicant did not press for his relief in the OA before the High Court.

5. Taking note of the orders passed by the Hon'ble High court of Delhi, both OA and RA having become infructuous are closed.

  
(Dr. Ramesh Chandra Panda)  
Member (A)

  
(V. K. Bali)  
Chairman

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