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Central Administrative Tribunal  
Principal Bench: New Delhi

OA-2368/2000  
MA-1415/2001

New Delhi this the 11th day of July, 2001

Hon'ble Mr. V.K. Majotra, Member (A)  
Hon'ble Mr. Shanker Raju, Member (J)

Dr. Mukulita Vijaywargiya  
D/o Shri K.N. Vijaywargiya  
Deputy Law Officer  
Law Commission of India  
New Delhi  
R/o House No. A-256, Pandara Road,  
New Delhi-110003.

-Applicant

(By Advocate: Shri S.K. Sawhney)

Versus

1. Union of India through  
Member-Secretary  
Law Commission of India  
Ministry of Law & Justice  
Shastri Bhawan  
New Delhi.

2. Secretary  
Union Public Service Commission  
Shahjhan Road  
New Delhi.

-Respondents

(By Advocate: Shri R.N. Singh, proxy  
for Shri R.V. Sinha for R-1)  
Shri K.R. Sachdeva, for R-2)

ORDER (Oral)

By Hon'ble Mr. V.K. Majotra, Member (A)

We have heard the learned counsel of parties on MA-1415/2001. Through this MA, the applicant has contended that from the Annexures enclosed with the counter reply by Respondent No.1 to which the applicant has filed a rejoinder as well, new facts have been disclosed particularly in respect of the selected candidate Mrs. Pawan Sharma. In this view of the matter, the applicant has sought amendment in the OA as also modification of the reliefs.

2. Shri Sawhney, learned counsel of applicant pointed out that on learning about the new facts, the applicant had

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made a representation to the respondents on 12.3.2001 (Annexure-A-A-1) regarding furnishing of false information/ suppression of facts in the Attestation Form and misleading information in the Application Form by Mrs.Pawan Sharma, who has been selected by UPSC as Additional Law Officer and appointed by Govt. of India in the Law Commission of India in December, 2000 as also regarding the determination of the suitability of her candidature for the post. He contended that this representation has not been decided by the respondents. He requested for withdrawal of the OA provided that liberty is given to the applicant to file a fresh OA and also a direction to the respondents to dispose of applicant's representation (Annexure A A-1) most expeditiously.

3. Shri Sachdeva learned counsel of Respondent No.2, whose views were endorsed by Shri R.N.Singh learned counsel of Respondent No.1, stated that the respondents had considered the candidature of the applicant and after completing the process of selection, selected Mrs.Pawan Sharma and appointed her as Additional Law Officer. Thus, the reliefs claimed by the applicant in this OA have already been accorded to the applicant and nothing survives from this OA.

4. In our view, since new facts particularly relating to one of the candidates Mrs.. Pawan Sharma, who is ultimately selected and appointed as Additional Law Officer by the Govt. of India, came to notice after the OA had been filed and as the reliefs claimed in the OA have become infructuous, in the interest of justice the applicant shall

have the liberty to file a fresh OA relating to the selection of Mrs. Pawan Sharma. Accordingly the OA is disposed of as withdrawn, with a direction to the respondents in the interest of justice that representation of the applicant dated 12.3.2001 (Annexure A A-1) be disposed of by a detailed and reasoned order to be communicated to the applicant within a period of one month from the date of communication of this order. No costs.

S. Raju  
(Shanker Raju)  
Member (B)

V.K. Majotra  
(V.K. Majotra)  
Member (A)

cc.