

16.3.1993

MP 434, 438, 830/93 in  
OA 976/90

Present : Shri M. S. Dutta, counsel for applicant.

Shri A. S. Rawat, deptt. representative for  
the respondents.

The matter was fixed today for the disposal of  
MPs 434 and 438/93. One is application for amendment  
of the pleadings in the OA and the other is for  
arraying as a respondents under Order I Rule 10 CPC.  
The applicant has also filed another MP 830/93 on  
19.3.1993, which has also been fixed for today.  
Learned counsel for the respondents is not available  
as pointed out by the departmental representative.

However, the learned counsel for the applicant  
fairly stated that his client will stand satisfied if  
a review DPC is held for the promotion of the  
applicant as requested by him in the representation  
dated 11.1.1993 (Annexure A to the MP 830/93).  
Learned counsel for the applicant also pointed out  
that in response to this representation, the  
respondents have given a reply dated 15.2.1993  
informing the applicant that since the matter is sub  
judice before the Central Administrative Tribunal,  
Principal Bench his request cannot be acceded to. In  
view of these new developments which have occurred  
after the filing of this OA, the learned counsel for  
the applicant want to withdraw this OA with liberty  
to file it afresh after the disposal of the

representation dated 11.1.1993 by the respondents within a specified period and also giving the liberty to assail any adverse order which may be passed on the aforesaid representation.

When this order was being dictated in the open court, the learned counsel for the applicant on the assurance given earlier has withdrawn the same and now confined to withdrawal of MP 830/93 only. In view of this, the respondents are directed to file their reply to both MPs 434 and 438/93 within four weeks and rejoinder, if any, be filed within two weeks thereafter. No reply need be filed on MP 830/93. List the matter again on 24.5.1993.

( S. R. Adige )  
Member (A)

*J. P. Sharma*  
( J. P. Sharma )  
Member (J)

After the above order was dictated in the open court, learned counsel for the applicant again appeared before rising of the Bench for lunch and stated that he wants that the OA itself be dismissed as not pressed at this stage subject to the fact that the representation of the applicant dated 11.1.1993 be disposed of by the respondents within a period of one month and if the applicant is still aggrieved he can assail the said grievance within the period of limitation. In view of this categorical submission by

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the learned counsel for the applicant, after proper thinking, the OA is dismissed as withdrawn. The respondents are directed to dispose of the representation dated 11.1.1993 within a period of one month from the date of receipt of a copy of this order. If the applicant is still aggrieved by the order so passed by the respondents, he can assail the same in the competent forum subject to the law of limitation.

*S. R. Adice*

( S. R. Adice )  
Member (A)

*J. P. Sharma*

( J. P. Sharma )  
Member (J)