

04.07.2012

Hon'ble Mr. D.C. Lakha, A.M.

Hon'ble Mr. V. Ajay Kumar, J.M.

Shri P.S. Pandey, Advocate for the applicant and Shri D.N. Mishra, Advocate for the respondents are present.

The relief sought in this OA is " to direct the respondents' authorities 2 and 5 to decide the appeal which is pending before the authorities concern and to quash the impugned order dated 13.1.2004 passed by respondent No.5." At the outset learned counsel for the respondents has stated that appeal of the applicant has already been decided and disposed of as mentioned in para 6 of the counter affidavit (Annexure-1 to the C.A.). Learned counsel for the applicant contended that the appellate order dated 28.6.2004 alongwith the counter affidavit has not been served upon the applicant or the counsel. In view of the facts which are known to the applicant's counsel today he seeks permission to withdraw this OA with liberty to file fresh one.

In view of the situation and in view of the submission and prayer made by the counsel for the applicant this OA is allowed to be withdrawn and hence the same is dismissed as withdrawn. The applicant is at liberty to file the fresh OA if so legally advised.

Copy of the counter alongwith the appellate order shall be made available to the applicant's counsel forthwith because the same are said to be not received by the applicant and service of these documents of the applicant are also not proved by the respondents' counsel within a week.

J.M.

A.M.

RKM/