

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR

ORDER SHEET

APPLICATION No. of

Applicant(s):

Advocate for

Applicant(s) :

Respondent(s) :

Respondent (s) :

Notes of the registry	Orders of the Tribunal
	<p><b>O.A. No. 290/00132/15</b> <b>Date of Order : 05/05/2015</b></p> <p>Mr Girish Sankhla present for applicant. Mr M.S. Godara present for respondents. Mr Vinay Jain, counsel for non-applicant for impleading party-respondent, present.</p> <p>Counsel for applicant submits that he wants to withdraw the present OA with a liberty to file fresh OA and he has already filed a fresh OA No. 290/00176/15 on 01.05.2015 which is listed today in the supplementary cause list.</p> <p>Counsel for respondents vehemently opposed the withdrawal of OA with a liberty to file fresh one and contended that counsel for applicant by way of MA has prayed to stay transfer order of the applicant in the present OA and he filed another OA for same cause of action. He further contended that OA No. 290/00176/15 is not maintainable unless and until an opportunity to file fresh OA is provided or extended by this Tribunal to the applicant. The applicant without there being any order or permission of withdrawal from this Tribunal has filed fresh OA, therefore, permission to withdraw the present OA with a liberty to file fresh one may not granted to counsel for applicant.</p> <p>Mr Vinay Jain, counsel for non-applicant in the <del>OA</del> for impleading Mr Jagdish Prasad as party-</p>

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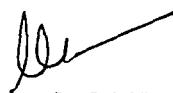
Applicant(s) :

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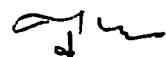
Respondent (s):

We have considered the rival contentions of all the counsels. The present OA has been filed in anticipation of transfer of the applicant and on the last date of hearing, counsel for applicant has filed an application alongwith transfer order in which he prayed to stay the transfer order but Mr Jagdish Prasad (non-applicant) was not impleaded as party-respondent and Mr Vinay Jain, counsel on behalf of Mr Jagdish Prasad moved an application to implead his client as party to the present OA. Since, neither in the present OA nor in the MA filed by counsel for applicant, legality of transfer order passed by the respondents subsequently has been challenged and the applicant simply prayed to stay his transfer, therefore, reliefs sought in OA No. 290/00132/15 and 290/00176/15 as well as party respondents are different. Therefore, we hereby permit the applicant to withdraw the present OA with a liberty to file fresh OA for pursuing his grievance.

Accordingly, OA No. 290/00132/15 is dismissed as withdrawn with a liberty to file fresh OA.



[ Meenakshi Hooja ]  
Administrative Member  
ss



[Justice K.C.Joshi]  
Judicial Member

