

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.OA 72 of 97

Date of order : 25.1.2005

Present : Hon'ble Mr.D.C.Verma, Vice-Chairman
Hon'ble Mr.G.R.Patwardhan, Administrative Member

ASIM ROY & ANR.

VS

UNION OF INDIA & ORS.

For the applicants : Mr.S.K.Dutta, counsel

For the respondents: Mr.P.K.Arora, counsel

O R D E R

D.C.Verma, VC

Mr.S.K.Dutta, ld.counsel appears for the applicants and Mr.P.K.Arora, ld.counsel appears for the respondents. During the course of hearing, ld.counsel for the respondents Mr.Arora took a preliminary objection that the applicant's earlier OA 721/99 filed to challenge the order dated 24.8.98 has been already dismissed as withdrawn. So the present OA is not maintainable and the present OA has also become infructuous because the result of the screening test has already been notified in 1998.

2. Ld.counsel for the applicant, Mr.Dutta has on the other hand submitted that relief with respect to applicant No.2 has already been granted. So grievance in the OA with respect to relief claimed by the applicant No.1 still remains. Mr.Dutta further submits that earlier OA 721/99 was dismissed as withdrawn because the respondents had taken an objection in that OA also that relief claimed in that OA cannot be claimed as for the same relief earlier OA 72/97 is pending. The Tribunal therefore have gone through the reliefs claimed in the two OAs and dismissed the earlier OA 721/99.

3. Mr.Dutta, however, submits that as the result has been declared he be given liberty to withdraw this OA and to file fresh OA to challenge the order dated 1998. Mr.Arora, on the other hand submits that the 1998 order should have been challenged earlier or after the OA 721/99 was dismissed. Otherwise the question of limitation will be still open against the applicant. Mr.Dutta has submitted that he be



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order of 1998 in respect of applicant No.1 and the question of limitation may be left open to be examined after the OA is filed.

4. We find that so far as the present OA is concerned it has become infructuous as result of the screening has been already published. In view of this the prayer of Mr. Dutta to withdraw this OA with liberty to file fresh OA to challenge the order dt. 1998 is allowed. The question of limitation in the subsequent OA would be open for consideration.

5. With the above direction the applicant is permitted to withdraw the present OA. No order as to costs.


MEMBER(A)


VICE-CHAIRMAN

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