

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 01<sup>st</sup> December, 2008

**ORIGINAL APPLICATION NO. 327/2005**

**CORAM:**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Pradeep Kumar Saxena son of Shri Late Shri Ram Mohan Lal Saxena aged about 50 years, resident of 726-B, New Railway Colony, Near Pani Ki Tanki, Kota. Presently posted as S.S.E. (Training School), Kota.

.....APPLICANT

(By Advocate: Mr. Shallendra Shrivastava)

VERSUS

1. Union of India through Secretary to the Government of India, Ministry of Defence, New Delhi.
2. Director General of Military Training (MT-15), General Staff Branch, Army H.Q., DHQ P.O. New Delhi.
3. Principal, Military School, Ajmer (Rajasthan).
4. Rakesh Shrivastava presently posted as ADEN (General) at Headquarter, Jabalpur under Chief Engineer's. WC Railway, Jabalpur.

.....RESPONDENTS

By Advocate: Mr. Praveen Purohit proxy to Mr. V.S. Gurjar,  
Respondents nos. 1 to 3.  
None present for respondent no. 4.

**ORDER (ORAL)**

The applicant has filed this OA thereby praying for the following reliefs:-

- "(i) That this Hon'ble Tribunal may graciously be pleased to quash and set aside the panel of AEN in question dated 25.04.2005 (Annexure A/1) issued by order dated 26.04.2005 to the extent it includes the name of co-respondent no. 4 and may declare the promotion of the co-respondent no. 4 as AEN illegal.
- (ii) That respondents may be directed to fix or provide correct seniority to the petitioner as S.E. In the pay scale of Rs.6500-10500 as per the date of panel dated 19.05.1992 was made effective and reflect the petitioner's name above the co-respondent no. 4 in Annexure no. A/3 & A/4 so as

to grant promotion to the petitioner as AEN prior to co-respondent no. 4.

- (iii) That one (1) post out of 18 sanctioned for General category is still lying vacant. Keeping in view the facts and circumstances of the case respondents may be directed to adjust or accommodate the petitioner on the said unfilled post as an alternative.
- (iv) Any other order in favour of the petitioner, which this Hon'ble Tribunal may deem fit and proper as per the facts and circumstances of the case.
- (v) Award the cost of the petition in favour of the humble petitioner."

2. Learned counsel for the applicant submits that instead of amending the OA, he may be permitted to withdraw this OA with liberty reserved to him to file separate OA thereby raising all the contentions for the same cause of action.

3. In view of the submission made by the learned counsel for the applicant, the applicant is permitted to withdraw this OA with liberty reserved to him to file substantive OA for the same cause of action. The fact that proceeding was pending in this Tribunal by way of this OA shall be taken into consideration for the purpose of limitation for filing substantive OA.

4. With these observations, the OA is disposed of as having been withdrawn.

  
**(B.L. KHATRI)**  
**MEMBER (A)**

  
**(M.L. CHAUHAN)**  
**MEMBER (J)**

AHQ