

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

14.8.2008

MAAs 287/2006 & 25/2008 with OA 408/2006

Mr. Amit Mathur with Mr. S.S. Ola, counsel for applicant.

In sum and substance, case of the applicant, as argued by learned counsel for the applicant, is that no doubt the applicant has not challenged the order of dismissal from service in a court of law but the fact remains that one Shri Ansar Khan had challenged the said order, pursuant to the inquiry held by the respondents, before this Tribunal. This Tribunal, vide order dated 27.3.2002, passed in OA 1/96, has quashed the punishment imposed by the appropriate authority as the Tribunal found that it was a case of no evidence. The said decision has also been affirmed by the ^{High} Court in the year 2005. Based on these judgements, learned counsel for the applicant argued that since it was a case of joint inquiry and subsequently two persons who had also not challenged the order of dismissal from service, were reinstated by the department, the said benefit has not been extended to the applicant despite the fact that his case was also recommended by the Deputy Chief Engineer. Thus, learned counsel for the applicant argued that it is a case of discrimination.

We have heard learned counsel for the applicant. Since the OA has not been taken on record and the arguments were to be advanced only on the MA 287/2006, for condonation of delay, we asked the learned counsel for the applicant whether he has pleaded the case of discrimination. From perusal of the case file it


is evident that the applicant has not raised this point in the manner argued by him.


At this stage, learned counsel for the applicant submitted that he may be permitted to withdraw this MA for condonation of delay as well as OA with a liberty reserved to him to file a substantive OA thereby raising the specific pleas as contended by him alongwith other available grounds.

In view of what has been stated above, the applicant is permitted to withdraw MA 287/2006, for condonation of delay, with a liberty reserved to him to file another MA alongwith substantive OA for the same cause of action. It will, however, be permissible for the respondents to take all permissible objections in the said MA/OA.

With these observations, MA 287/2006 as well as OA stand disposed of.

In view of the aforesaid order, no order is required to be passed on MA 25/2008, praying for listing the OA for hearing. The same shall also stand disposed of.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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