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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

3.3.2008

OA 74/2007

Dr. Swati Bhati, counsel for applicant.

Learned counsel for the applicant has brought to our notice copy of the order dated 9.5.2007, whereby one Shakuntala Agarwal has been promoted against a general category post, whereas, ^{according to the application} the post against which promotion of said Shakuntala Agarwal has been made, ought to have been filled by a reserved category candidate. As such, right of the applicant has been affected.

Validity of the said order dated 9.5.2007 is not under challenge in the present OA and the applicant has filed this OA solely on the basis of order dated 5.3.2007, whereby vigilance clearance of certain persons was called for.

Learned counsel for the applicant seeks permission to withdraw this OA with a liberty reserved to the applicant to file a substantive OA thereby challenging the validity of the order dated 9.5.2007.

In view of what has been stated above, the present OA is allowed to be withdrawn with a liberty reserved to the applicant to file a substantive OA thereby challenging the validity of the order dated 9.5.2007. It is made clear that disposal of this OA will not come in the way of the applicant to file a substantive OA for the same cause of action.

The OA stands disposed of accordingly.

J.P. Shukla
(J.P. SHUKLA)
MEMBER (A)

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

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