

**Central Administrative Tribunal
Principal Bench**

**OA No.4561/2013
RA No.116/2014
MA No.2233/2014
MA No.2988/2014
MA No.2986/2014
MA No.3271/2014 and
MA No.331/2014**

New Delhi, this the 11th day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

S. K. Srivastava
Aged about 49 years,
S/o Late B. S. Bhaskar
Vill + PO Neora Gopalpur,
Via Saraiya Factory,
District Muzaffarpur,
Bihar 843126

Presently residing at
CRD C-II/9, Pandara Park,
New Delhi 110 003.

.... Applicant.

(Applicant is present)

Vs.

1. Union of India
Through Foreign Secretary
Ministry of External Affairs,
South Block,
New Delhi 110 011.
2. Member (P), CBDT
North Block,
New Delhi 110 001.
3. Ambassador of India in France,
Embassy of India in France,
15, Rue Alfred Dehodencq 75016,
Paris, France.
4. DGIT (Vig) & CVO, CBDT,
Dayal Singh Public Library Building,
2nd Floor, 1, Deen Dayal Upadhyay Marg,

New Delhi 110 002.

5. JS (FT & TR-I), CBDT,
HUDCO Vishala,
Bhikajee Cama Place,
New Delhi 110 066.
6. Ms. Ashima Neb (IRS 99010)
W/o Sri P. K. Mishra
C/o Sri M. K. Mirani, IRS,
CCIT (CCA), Delhi
CR Building, New Delhi 110 002.
7. Ms. Deepa Krishan, IRS,
C/o US, Ad I, Deptt. Of Revenue,
North Block,
New Delhi 110 001.
8. Shri M. K. Mirani, IRS,
Now posted as CCIT (CCA), Delhi,
C/o US, Ad VI, Deptt. of Revenue,
North Block,
New Delhi 110 001.
9. Shri S. M. Nigam, IRS
Now Posted as DGIT (Vig) & CVO, CBDT
C/o US, Ad I, Deptt of Revenue,
North Block, New Delhi 110 001.
10. Shri Akhilesh Ranjan, IRS,
C/o JS, FT & TR-I, CBDT,
HUDCO Vishala, C Wing
8th Floor, Bhikajee Cama Place,
New Delhi 110 065.

.. Respondents.

(Respondent Nos.7, 8, 9 & 10 are impleaded because of the malafide and malice on facts imputed against all of them.

(By Advocate : Shri Hanu Bhaskar)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant filed this OA challenging the vigilance clearance given to Ms. Ashima Neb, the 6th respondent, herein, and an order dated 11.04.2012 through which she was posted to the Indian Embassy in France.

2. We heard the applicant who argued the case in person as well as Shri Hanu Bhaskar, learned counsel for the respondents, at some length.

3. The vigilance clearance was given to the 6th respondent in the context of her being posted in the Indian Embassy of France. On the basis of an order dated 11.04.2012, she has been posted in the Indian Embassy in France, and we are informed that after completion of the term, she has come back to India. When these facts are pointed out, the applicant sought permission of the Tribunal to withdraw the OA but without prejudice to his right to raise his contentions vis-a-vis the vigilance clearance given to the 6th respondent, as and when the context arises.

4. We accord permission. The OA is dismissed as withdrawn, leaving it open to the applicant to work out his

rights or claims vis-a-vis 6th respondent in the appropriate forum.

RA No.116/2014.

5. This RA is filed with a prayer to review the order dated 06.06.2014 passed in MA Nos.1736/2014 in OA No.4561/2013. Since OA itself is dismissed as withdrawn, the order which is sought to be reviewed, passed during the pendency of the OA, merged into that. Therefore, the RA has become infructuous.

MA Nos.2233/2014, 2988/2014, 2986/2014, 3271/2014 and MA No.3311/2014.

6. In view of the order passed in the OA, all the MAs shall stand disposed of.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/