

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

O.A.8/2015

Dated this Tuesday the 4th day of September, 2018

**Coram: Hon'ble Dr. Bhagwan Sahai, Member (A).
Hon'ble Shri R. N. Singh, Member (J).**

1. Shri Amit Prabhakar Kamble
Age 23 years,
R/at/C/o Shiv Provision Store,
Sneh Nagar, ZTC,
Tal. Bhusawal,
Dist Jalgaon-425201.

...Applicant.

(By Advocate Shri V. A. Nagrani).

Versus

1. The Union of India
through the Secretary,
Ministry of Defence,
Indian Ordnance Factories,
South Block,
New Delhi-110 001.
2. The General Manager,
Bhusawal Ordnance Factory,
Bhusawal-425203.
3. Sunil Prakash Sathe,
Working as Examiner/Semi Skilled in OF,
BSL, Ordnance Factory, Bhusawal.

... Respondents.

(By Advocates Shri V. S. Masurkar and Shri N. K. Rajpurohit).

O R D E R (O R A L)

Per : R. N. Singh, Member (Judicial)

Present.

Shri Vicky Nagrani, learned counsel for the
applicant.

Shri V. s. Masurkar and Shri N. K.
Rajpurohit, learned counsels for the respondents.

2. By this present OA, the applicant seeks the following reliefs:-

"a. This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the Respondents and after examining the same quash and set aside the impugned order dated 08.02.2013 only to the extent of appointment of Respondent No.3 i.e at Sr. No.25 in the said order with all the consequential benefits.

b. This Hon'ble Tribunal may further be pleased to direct the Respondents to cancel the candidature of Respondent no.3 and appoint the Applicant in the place of Respondent no.3 i.e. on post of examiner w.e.f. the date the other candidates have been appointed with all the consequential benefits.

c. Cost of the application be provided for.

d. Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case."

3. The learned counsel for the applicant submits that the respondent no.2 has illegally and arbitrarily issued an appointment order to respondent no.3 to the post of Examiner / Semi-skilled and has not issued appointment order in respect of applicant despite the fact that the applicant has secured more marks than the respondent no.3.

4. The learned counsel for the applicant submits that during the pendency of the OA, the respondents have scrapped the entire recruitment

process vide order dated 28.08.2015 (Annexure RR1 with the additional affidavit dated 28.01.2016 filed on behalf of the respondents) the applicant has not challenged that order dated 28.08.2015 and therefore nothing survives in the OA.

5. The learned counsel for the applicant seeks permission to withdraw the OA with liberty to avail of appropriate remedy in accordance with law.

6. Permission is granted. The OA is, therefore, dismissed as withdrawn with liberty as aforesaid. NO order as to costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

V.-