

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.100/2013

Date of Decision: 05.03.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Haresh D. Tandel
 Working as Junior Engineer in the
 Electrical, Department of Daman
 Administration and Posted at Power
 House Bldg., 1st Floor, Secretariat,
 Nani Daman, 396210.
 R/at 12/56, Sangir Street, Nani Daman,
 U.T. of Daman & Diu,
 (*Advocate Shri G.K. Masand*)

... *Applicant*

Versus

1. Administrator of
 Union Territory of Daman & Diu,
 Daman.
 2. Executive Engineer
 OI DC Building,
 Somnath Road, Near Fire Station,
 Somnath, Daman 396 210.
 3. Sarjeet Singh
 Junior Engineer,
 Electricity Department,
 R/o H.No.1101, Dunetha Village,
 Nani Daman – 396 210.
 U.T. Of Daman & Diu.
- ... *Respondents*
- (*By Advocate Shri B.K. Ashok &*
Shri J.R. Patole)

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for hearing
 submissions of Shri J.R. Patole, learned Advocate for Private
 Respondents, the applicant Shri Haresh D. Tandel appeared

along with Shri Pradeep Melkunde instructed by Shri G.K. Masand, learned Advocate for the applicant.

2. Shri B.K. Ashok, learned Advocate appeared for Official Respondents.

3. Shri J.R. Patole, learned Advocate appeared for Private Respondent No.3.

4. In this OA, the applicant has sought the following reliefs:

“8.a) That this Hon'ble Tribunal will be pleased to hold and declare that in accordance with the Recruitment Rules for the post of Assistant Engineer (Electrical) in force the vacant post of Assistant Engineer (Electrical) is required to be filled in by a Graduate Junior Engineer as per the ratio laid down in these Recruitment Rules as three Diploma Holders, namely, Shri V Singh, M.P. Singh and Raju M, all Diploma Holders are working as Assistant Engineers (Electrical).

8.b) That this Hon'ble Tribunal will be pleased to direct the respondents to convene a meeting of the DPC at the earliest for filling up the post of Assistant Engineer (Electrical) with a further direction that only Graduate Junior Engineers, including the applicant be considered for the said promotion.

8.c) That the Respondents be restrained by an order of injunction issued by this Hon'ble Tribunal from promoting any Diploma (Junior Engineers) to the post of Assistant Engineer (Electrical) till such time a Graduate Junior Engineer including the applicant herein are considered for promotion to the said post.

8.d) That pending the hearing and final disposal of this OA respondents be restrained by an order of Injunction issued by this Hon'ble

Tribunal from promotion any Diploma Holder Junior Engineer till such time a Graduate Junior Engineers including the applicant herein are considered for promotion to the said post.

8.e) That the costs of this Application be awarded in favour of the applicant; and

8.f) That such other and further reliefs as are expedient be granted in favour of the applicant.”

5. Today the applicant has filed a 'Pursis' seeking permission to withdraw the present OA unconditionally, which is part-heard.

6. On interrogation with the applicant, we are satisfied that the withdrawal is voluntary and does not suffer from any undue influence, threat or coercion.

7. The record shows that the claim is not admitted by the respondents. In view of this, the OA stands dismissed as withdrawn unconditionally.

8. Parties are however directed to bear their respective costs of OA.

9. Registry to forward certified copy of this order to both the parties.

(R. Vijaykumar)
Member (A)

(Arvind J. Rohee)
Member(J)

dm.