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Central Administrative Tribunal, Principal Bench

Review Application No.158 of 2004 in
Original Application No.3126/2003

New Delhi, this the 28th day of June, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member(A)

Jagdish Chander Nagar, HPS
S/o Shri Chandgi Ram,
R/o Village Khanda Kheri,
presently posted as
Deputy Superintendent of Police, Commando (H)
Newal, Karnal
...Applicant

Versus

1. Union of India, through
The Secretary to Government of India,
Ministry of Home Affairs,
New Delhi
2. Union Public Service Commission,
Dholpur House,
Shahjahan Road, New Delhi
through its Secretary
3. The State of Haryana through
The Chief Secretary,
Government of Haryana,
Civil Secretariat,
Chandigarh.
4. The State of Haryana through
The Principal Secretary to
Government of Haryana,
Home Department, Civil Secretariat Building,
Chandigarh.
5. The Director General of Police, Haryana
Govt. of Haryana,
Sector-6 Panchkula.
6. Shri Yoginder Singh Nehara,
Superintendent of Police,
Bhiwani, District Bhiwani
... Respondents

O R D E R (By Circulation)

Justice V.S. Aggarwal, Chairman

Applicant Jagdish Chander Nagar had filed
O.A.3126/2003. It was listed for 7.5.2004. On the said
date on behalf of the applicant, the proxy counsel appeared



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and did not press for the petition. Resultantly, it was dismissed as withdrawn.

2. Applicant seeks review of the said order contending that the counsel had never been authorised to withdraw the petition because even earlier an order had been passed that decision of the DPC would be subject to the outcome of the O.A.

3. We have carefully gone through the said petition. Indeed if the counsel had withdrawn the petition without authority, one could look into the matter but it is only supported by the affidavit of the applicant. The authority, if any, must have been given by the learned counsel for the applicant. The applicant had not given instructions to the counsel and, therefore, he is not competent to swear an affidavit in this regard. There is no affidavit of the proxy counsel or even of the counsel to assert what is being highlighted. In this view of the matter, the review application must be held to be without merit. It must fail and accordingly is dismissed in circulation.

S.K. Naik

(S.K. Naik)
Member(A)

V.S. Aggarwal

(V.S. Aggarwal)
Chairman

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