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**Central Administrative Tribunal
Principal Bench, New Delhi**

C.P.No.4/2005 in O.A.No.1215/2003

Tuesday, this ^{11h} 7th day of May 2005

**Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri K.B. S. Rajan, Member (J)**

Manoj Kumar
S/o Shri Vishwa Nath Prasad
R/o 243-A, H-Block, Saurav Vihar,
Jaitpur, Badarpur
New Delhi-44

..Applicant

(By Advocate: Dr. I.B. Gaur)

Versus

Shri P.K. Gupta, Registrar
Appellate Tribunal
Forfeited Property
(Ministry of Finance)
4th Floor A Wing
Lok Nayak Bhawan,
Khan Market, New Delhi-3

... Respondent

(By Advocate: Shri B.K. Aggarwal for Shri Rjaeev Bansal)

O R D E R (ORAL)

Shri V.K. Majotra:

Heard.

2. Learned counsel for applicant pointed out that applicant is aggrieved that he has not been reengaged in terms of Tribunal's order dated 16.9.2003 whereby OA-1215/2003 was disposed of and that some freshers have been appointed. He pointed out that respondents in their reply affidavit have stated to have appointed one Ramadhar on the ground that he had put in longer number of days than the applicant. He maintained that seniority cannot be

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fixed on the basis of longer number of days put in service but on the basis of the date of initial appointment.

3. Indeed the applicant is challenging the appointment of Shri Ramadhar on the basis of a contentious ground, which is beyond the scope and ambit of a contempt petition.

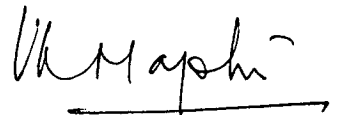
4. On being pointed out the above, learned counsel for applicant seeks and is allowed permission to withdraw this CP with liberty to agitate the grievance of the applicant through an appropriate legal proceeding. It is clarified that withdrawal of the earlier OA, namely, OA-2273/2004 by order dated 23.9.2004, will not come in the way of the applicant in filing the fresh proceeding.

5. CP is dismissed.



(K.B.S. Rajan)
Member (J)

/sunil/



(V.K. Majotra)
Vice Chairman (A)

17/5/05