

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/865/2019

Date of decision: 21.10.2019

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

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Sh. Lakhveer Singh, S/o Dara Singh, aged 31 years, R/o Galli No.14, Bir Road, Near Kalgidhar Nagar, Bathinda, Punjab-151001. Group C.

...APPLICANT

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. Director General, Directorate General of Ordnance Service, Master General of Ordnance Branch, Army HQ DHQ DO, New Delhi-110011.
3. Commandant, 36 Field Ammunition Depot, C/o 56 APO-900484.

...RESPONDENTS

PRESENT: Sh. Jagdeep Jaswal, Advocate along with applicant in person.
Sh. K. K. Thakur, Advocate along with Sh. Ashok Kumar, Departmental Representative.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Present petition has been filed by the applicant challenging order dated 9.2.2019, whereby his case for appointment on compassionate grounds for the year 2016-17 has been rejected in the month of December 2018.
2. When notice was issued, learned counsel for the applicant suffered a statement that a discrimination has been meted out by the respondents as the person, who scored lower marks than the

applicant i.e. only 18 marks as against 49 of applicant, has been offered appointment, while applicant has been declined appointment. This Court while issuing notice had made it clear to learned counsel for the applicant that if his statement is found to be false, then this petition will be dismissed with heavy costs.

3. Today, Sh. Ashok Kumar, Departmental Representative for the respondents produced record and has submitted that statement made by learned counsel for the applicant is totally false as the last candidate to whom appointment was granted has secured 70 marks whereas applicant has secured only 49 marks. He also clarified that the applicant has placed reliance on some other decision in the respondent department, where person securing 18 marks might have been offered appointment, therefore, he prayed that this petition be dismissed as ordered by the Court.
4. Learned counsel for the applicant seeks permission to withdraw this petition.
5. Considering the conduct of learned counsel for applicant, as noticed in earlier order, I am not inclined to accept his prayer to withdraw this petition. However, finding that ward of deceased employee is before this Court and he should not suffer due to wrong statement suffered by the Advocate, I permit applicant to withdraw this O.A. enabling him to file a fresh one on the same cause of action, if so advised.

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 21.10.2019.
Place: Chandigarh.

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