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**COURT NO. 2, ARMED FORCES TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
O.A. No.460 of 2011**

**IN THE MATTER OF:**

**Hav. Pavinder Singh**

**.....Applicant**

**VERSUS**

**Union of India & Ors.**

**.....Respondents**

**Dated: 14.03.2012**

Present: Ms. Archana Ramesh, counsel for the applicant.  
Ms. Sangeeta Tomar, counsel for the respondents.

Heard and perused the record.

In pursuance of our order dated 31.10.2011, learned counsel for the respondents reports that as per the instructions the alleged representation dated 25.03.2010 is not available, therefore, there is no question of reporting with regard to the outcome of that representation. With regard to the second point learned counsel for the respondents states that on 01.02.2009 though there was one vacancy available, but the applicant stood at seniority of 31, therefore, the chances of his promotion were limited and thereafter on 05.02.2009 the applicant became over age for further consideration for promotion. She also produced a statement in this respect for perusal. The same is taken on record. Copy of the same has been supplied to learned counsel for the applicant.

Learned counsel for the applicant, at this juncture, seeing the position stated by learned counsel for the respondents, does not wish to press this O.A. and seeks liberty to withdraw this O.A.

Considering the vacancy status submitted by learned counsel for the respondents as on 01.02.2009 and the submission made by learned counsel for the applicant, O.A. is dismissed as withdrawn. No orders as to cost.

**Z.U. SHAH**  
(Administrative Member)

**MANAK MOHTA**  
(Judicial Member)

Dated: 14.03.2012  
rsk