

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2830/97

New Delhi, this the 9th day of August, 2000

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Sh. Chhuttan Singh, Lecturer (Physical Education), Sarvodaya Kanya Vidyalaya, Mandawali, Delhi.

R/O A-103, Gali No.2/2, West Nathu Colony, Shahdara, Delhi-93.

.....Applicant
(By Advocate: Sh. Gyaneshwar Srivastava, proxy counsel for Sh. U.Srivastava)

Versus

Govt. of N.C.T. of Delhi and Others
Through:

1. Chief Secretary, Govt. of N.C.T. of Delhi, 5, Sham Nath Marg, Delhi - 110 054.
2. Director of Education, Directorate of Education, Govt. of N.C.T. of Delhi, Old Secretariate, Delhi-54.
3. Dr. M.C.Mathur, Jt. Director of Education (Planning), Govt. of N.C.T. of Delhi, Old Secretariate, Delhi. (For Dy. Director of Education, Distt. East).
4. Dy. Director of Education, Distt. East, Deptt. of Education, Govt. of Delhi, Rani Garden, Delhi.
5. Principal, Sarvodaya Kanya Vidyalaya, Mandawali, Delhi.

(By Advocate: Sh. V.Pandita)

.....Respondents

ORDER (Oral)

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)


The applicant has impugned the Office Order No.706, dated 21.11.97, declaring him as surplus staff in Sarvodaya Kanya Vidyalaya (S.K.V.), Mandawali. In this order, he was further directed to report to AO (Distt. East) for further posting as no post of Lecturer (Physical Education) was vacant in Zone-II/E.

18.

2. After hearing both the learned counsel for the parties, the Tribunal by order dated 16.2.99, noting the relevant facts and law, came to the conclusion that the contention of the applicant that the aforesaid transfer order has been passed with malafide intention ^{was} ~~was~~ ^{un-~~tenable~~} ~~tenable~~. On the other hand, it was held that the order has been passed by the respondents in the exigencies of service. Noting also their submissions that there was no work for the applicant in SKV, Mandawali as Lecturer (Physical Education) ^{B:} ~~and~~ it would not, therefore, be in public interest to continue him in that school. Therefore, the ex-parte order dated 5.12.97 was vacated, restraining the respondents from giving effect to the impugned order dated 21.11.97, qua the applicant.

3. Today, when the case was taken up for final hearing, Sh. G.Srivastava, learned proxy counsel for the applicant submits that the applicant has since reported to the authority mentioned in the aforesaid order, i.e., AO (District East) for further posting. Sh. Vijay Pandita, learned counsel has submitted that this OA has, therefore, become infructuous as the applicant has already carried out the instructions given in Office Order No.706, dated 21.11.97. This fact is not disputed by the learned proxy counsel for the applicant ^{B:} ~~who~~ agrees that nothing further survives in the OA.

4. In view of the facts and circumstances of the case, OA is disposed of as having become infructuous. No order as to costs.


(S.A.T. RIZVI)
MEMBER (A)


(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

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