

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No.  
T.A. No.

2018

198 8

DATE OF DECISION Jan 9. 1989

Shri Trilok Chand \_\_\_\_\_ Applicant (s)

Shri R.K. Kamal \_\_\_\_\_ Advocate for the Applicant (s)

Versus

Union of India & Ors \_\_\_\_\_ Respondent (s)

Ms. Raj Kumari Chopra \_\_\_\_\_ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.C. JAIN, MEMBER (A)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? No
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. To be circulated to all Benches of the Tribunal ? No

JUDGEMENT

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant who is a Draftsman Gr. II in the Office of the Chief Engineer (RCP), Safdarjang Airport, New Delhi, has prayed for quashing (1) order dated 28.4.86 by which Headquarter Chief Engineer, Western Command, Chandimandir, ordered his transfer from Delhi to Suratgarh and (2) order dated 27.9.88 by which he was directed to be relieved from his present posting by 30.9.88. The main ground for challenge is that as per policy guidelines issued by the authorities the normal age limit for posting to tenure station is 50 years and subordinates above 50 years of age may be posted for a lesser tenure but none will be retained at a tenure station beyond the age of 53 years. The applicant's date of birth is 14.6.1936 and he had, therefore, crossed the age of 50 years when his transfer order was issued and further that he was more than 52 years of age when he was directed to be relieved.

2. No reply has been filed by the respondents inspite

(sic)

of number of opportunities given to them.

3. I have perused the relevant material on the record of the case and I have also heard Shri R.K. Kamal learned counsel for the applicant and Mrs. Raj Kumari Chopra, learned counsel for the respondents.

4. Learned counsel for the respondents produced a copy of Headquarter Western Command, Engineering Branch, Chandimandir letter dated 2.6.89 by which the name of the applicant was deleted from the list of transfer orders dt<sup>e</sup> 28.4.86. Chief Engineer (RCP) Office also issued a local order dated 13.6.89 indicating that posting in respect of the applicant to Suratgarh as ordered earlier had now been cancelled vide Chief Engineer, Headquarters Western Command letter dated 2.6.89. A petition dated 14.12.89 has also been submitted to the Tribunal on behalf of the Chief Engineer (RCP) through learned counsel for the respondents in which it is stated that the posting order of the applicant has been cancelled and, therefore, the case may be treated as closed. These documents were also shown to the learned counsel for the applicant. Learned counsel for the respondents thus argued that the application has become infructuous. Learned counsel for the applicant also accepted this position.

5. In view of the position stated above, the application has become infructuous and is dismissed as such. The interim stay granted initially on 24.10.88 and continued thereafter is hereby vacated. The parties will bear their own costs.

(1ecm)  
9/1/1990  
( P.C. JAIN )  
MEMBER (A)