

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00124/2020

Date of decision: 19.08.2020

CORAM

HON'BLE MRS. JASMINE AHMED, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)

1. Ashish Srivastav S/o Sh. Hari Shankar, aged 56 years, R/o 2/1264, Kuri Bhagtasani Housing Board, Jodhpur. Presently working on the post of Divisional Chief Health Inspector, Health Unit, Jodhpur.
2. Shaitan Singh Rajpurohit S/o Sh. Mohan Lal, aged about 52 years, R/o C22 Rameshwar Nagar Basni 1st Phase Jodhpur. Presently working on the post of Chief Health Inspector, Railway Station, North Western Railway, Jodhpur.
3. Manik Chand S/o Sh. Moti Lal, aged about 53 years, R/o Railway Quarter No.3101 Bhagat-ki-Kothi, Jodhpur. Presently working on the post of Chief Health Inspector, Health Unit Bhagat-ki-Kothi, North Western Railway, Jodhpur.
4. Dilip Kumar, S/o Sh. Bhanwar Singh, aged about 41 years, R/o B101 Sukhram Nagar, Near OBC Bank, Sursagar, Jodhpur. Presently working on the post of Chief Health Inspector, Health Unit Bhagat-ki-Kothi, North Western Railway, Jodhpur.
5. Bhim Singh Meena, S/o Sh. Girraj Prasad Meena, aged about 39 years, R/o House No.131, Ganesh Vihar Sangria Phata, Jodhpur. Presently working on the post of Chief

Health Inspector, Railway Station, North Western Railway,
Jodhpur.

.....Applicants

By Advocate: Mr. S.K. Malik, present, through VC.

Versus

1. Union of India, through the General Manager, North Western Railway, Jaipur (Raj).
2. Divisional Railway Manager, North Western Railway, Jodhpur Division, Jodhpur.
3. Senior Divisional Personnel Officer, North Western Railway, Jodhpur Division, Jodhpur.

.....Respondents

By Advocate: Mr. Darshan Jain, proxy counsel for Mr. Vinay Jain, present, through VC

ORDER (ORAL)

Per Hon'ble Mrs. Jasmine Ahmed, Member (J)

Shri S.K. Malik, learned counsel for the applicants and Shri Darshan Jain, proxy counsel for Mr. Vinay Jain, learned counsel for the respondents, present, through Video Conferencing.

2. The present Original Application has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking following reliefs:

- (i) By an appropriate order or direction impugned order dated 18.03.2020 at Annex. A/1 qua the applicants be declared illegal and be quashed and set aside.
- (ii) By an order or direction respondents may be directed to allow the applicants to work on the places where they were working before passing impugned order dated 18.03.2020 at Annex. A/1.
- (iii) By an order or direction applicants may be allowed to file joint application.
- (iv) Any other relief which is found just and proper be passed in favour of the applicant in the interest of justice which this Hon'ble Court deem just and proper.

3. Learned counsel for the respondents represented through proxy has placed before us a letter dated 07.08.2020, which reads as under:-

“File No.E(NG)I-2020/TR/2

RBE No.65/2020

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. E(NG)I-2020/TR/2

New Delhi dated 7th August 2020.

The General Manager (P)
All Indian Railways &
Production Units.

Sub : Cancellation of Periodical Transfer of Staff.

Reference Board's letter of even no. dated 12.05.2020, vide which Railways were advised that the unimplemented periodical transfer orders of the staff working on sensitive posts be reviewed and pended till 31.07.2020 due to the extra ordinary situation created by the pandemic COVID-19.

2. In view of the ongoing pandemic situation, on request from both the Federations i.e. AIRF & NFIR, the matter has been further reviewed by the Board, and it has been decided by the Competent Authority that the periodical transfer orders of the staff working on sensitive posts be pended till 31st March, 2021.

DA : Nil

Sd/-
(D. Joseph)
Joint Director Estt. (N)
Railway Board”

4. Learned proxy counsel for the respondents states that in view of the above letter issued by the Railway Board itself, the matter has become infructuous as the transfer order is not being implemented or given effect to.

5. Learned counsel for the applicants states that this Tribunal may quash the original transfer order in view of letter dated 07.08.2020 and respondents may pass fresh transfer order in future, if they feel so.

6. We have heard the rival contentions of the parties and perused the documents available on record. We feel as the respondents themselves have issued letter dated 07.08.2020, as quoted above, the main grievance of the applicant of being transferred is no more exists till 31st March, 2021. Hence, the matter has become infructuous on the face of it. However, the order impugned will not have any effect after the order of this Tribunal and the respondents may pass fresh order in future if they feel so.

7. In view of above observations, present OA is disposed off as having become infructuous.

(ARCHANA NIGAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

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