

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.1428, 87

Date of decision: 31.05.1993.

Shri R. L. Suri

...Petitioner

Versus

Union of India (E.S.I.C.)

...Respondents

Coram:- The Hon'ble Mr. I.K. Rasgotra, Member (A)  
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

Shri S.S. Tewari with Shri R.D.  
Verma, Counsel.

For the respondents

Shri O.P. Kshtariya, proxy  
Counsel for Shri N.S. Mehta.  
Senior Standing Counsel.

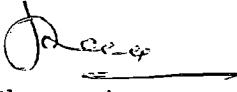
Judgement(Oral)  
(Hon'ble Mr. I.K. Rasgotra)

This petition is filed by the petitioner challenging the order of the respondents dated 20.3.1987, transferring him to Local Office. E.S.I.C., Beawar (Rajasthan Region). The Tribunal passed the interim order on 20.11.1987 to the following effect:-

"Heard the learned counsel for both the parties. The impugned order of transfer stands stayed till the vide our order 6.11.87. The learned counsel for respondents has no objection to the continuation of the stay order but states that the respondents are prepared to retain the applicant in Delhi without assigning any work to him. We see no objection to the dispensation as it is up to the respondent to get the work out of him or not and the applicant should have no grievance as long as he gets his pay. The learned counsel for respondents, however urges that in view of the stay order this case should be decided expeditiously....."

2. Thereafter the interim order had continued to operate and the petitioner had continued to remain in Delhi since 20.3.1987. The learned counsel for the petitioner submits at the Bar that from 1.5.1992 the petitioner has been allowed to resume duty in his old office at the same post. We observe that for a variety of reasons the matter could not be heard earlier than today. In the meantime, the petitioner has been continuing in Delhi for over six years. The learned counsel for the petitioner submits that the petitioner is due to retire on superannuation from service on 31.8.1994. Thus, he has just a little over one year left in service. In these circumstances, we do not express any opinion on the merits of the case. The learned counsel for the petitioner submits that he would like to withdraw the case in view of the subsequent developments. Accordingly, the O.A. is dismissed, as withdrawn.

3. We, however, observe that a little over one year is left for the petitioner to retire on superannuation. In these circumstances the respondents may like to consider continuing the petitioner in Delhi for the remaining part of his service career sympathetically. No costs.

  
(J.P. Sharma)

Member (J)

  
(I.K. Rasgotra)

Member (A)

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