

Open Court

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated : Allahabad, This the 4th day of November 1999.

Present:- Hon'ble Mr. Rafiq Uddin, Member (J.)

Original Application No. 500 of 1998.

Anoop Kumar Raikwar aged about 31 years
son of Sri K.P. Raikwar residing at Vasant
Vihar Colony, Lahar Gird, Near Shiv Mandir,
Jhansi.

. . . Applicant.

(Through Shri M.P. Gupta, Adv.)

Versus

1. The Union of India through the General Manager,
Central Railway, Shivaji Terminus, Mumbai.
2. The Chief Workshop Manager, Central Railway
Workshop Jhansi (U.P.)
3. Shri Santi Ram son of Shri Ram Sufal Working
as Wagon Repairer Grade II in the Central
Railway Workshop, Jhansi notices be served
upon him through the Chief Workshop Manager,
Central Railway Workshop, Jhansi. (U.P.).

. . . Respondents.

(Through Sri G.P. Agarwal, Adv.)

Order (Open Court)

(By Hon'ble Mr. Rafiquddin, Member (J.)

The applicant has approached this Tribunal
for issuing direction to the respondents not
to implement decision dated 30.4.98 (Annexure-1)
and not to compel the applicant either to go back
to Sithouli or to opt for a lower grade post of
skilled Artisan Grade-III.

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2. It appears that the applicant was transferred from Sithouli to Jhansi on the ^{basis} ~~post~~ of mutual transfer with one Sri Sant Ram (Respondent No.3) who was working as Wagon Repairer Grade II at Jhansi. The applicant joined at Jhansi as skilled Artisan Grade II on 03.6.1997 in place of respondent No.3 who was relieved of his post. The applicant also agreed and accepted the bottom seniority in grade II at Jhansi. However, the respondent No.3 refused to join at Sithouli and insisting on to join at Jhansi. The case of the applicant is that the respondent under pressure decided to retain respondent No.3 at Jhansi and repatriated the applicant to Sithouli. It is also alleged that the respondents decided vide impugned order dated 30th April 1998 ^{and} asked the applicant either to ~~stay~~ ^{at grade III} remain at Jhansi or to go back to Sithouli. The applicant challenged this order in this O.A.

3. The respondents have filed their C.A. and in para 23 have categorically stated that after careful consideration and legal advice, it has been decided to relieve the respondent No.3 on mutual transfer from Jhansi Workshop to Sithouli and has been relieved. The applicant has, however, finally detained at Jhansi Workshop in his present grade and post. In other words the respondents have admitted having withdrawn the impugned order. Consequently the relief sought by the applicant in the present O.A. has been granted and the O.A. has become infructuous. The O.A. is decided accordingly. No order as to costs.

[Signature]
Member (J.)

Nafees.