

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Allahabad, this the 18th day of November, 2004.

O.A. No.1553 of 2001.

Hon'ble Mr. Justice S.R. Singh, V.C.

Mohd. Tariq Siddiqui,
S/o Late Mohd. Aquil Siddiqui,
aged about 58 years,
R/o 171, Shahganj,
Allahabad.

.....Applicant.

(By Advocate : Shri S.S. Sharma)

Versus

1. Union of India through the General Manager,
Central Organisation, Railway Electrification,
Headquarters Office, Civil Lines,
Allahabad.
2. The General Manager/CORE (Personnel),
Headquarters Office, Central Organisation,
Railway Electrification, Allahabad.
3. The General Manager,
Diesel Locomotive Works,
Indian Railways,
Varansai.
4. The F.A. & C.A.O. (Administration)
Headquarters Office,
Central Organisation,
Railway Electrification,
Allahabad.

.....Respondents.

(By Advocate : Shri A.K. Gaur)

ORDER (Oral)

The O.A. was instituted challenging the transfer/
repatriation order dated 29.08.2001 and subsequent order
dated 12.12.2001 transferring him from the Office of
G.M./CORE/Allahabad to the G.M./D.L.W./Varanasi. Apart
from the prayer of quashing of said orders, the applicant
had also prayed for issuance of direction to the respon-
dents not to transfer/repatriate him from the Office
of G.M./CORE/Allahabad to G.M./D.L.W./Varnasi, and to
retain him as O.S. I (Type) till his retirement from
railway service. Further relief claimed is that the
respondents be directed to accept the applicant's
request for voluntary retirement without any further
delay.

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2. When the matter came up before the Tribunal on 30.01.2002, the following order was passed:-


"Sri S.S. Sharma, counsel for the applicant. Shri A.K. Gaur, learned counsel for the respondents. The O.A. was filed to consider the quashing of the repatriation order of the applicant to his parent department. Since he had no hope of getting the repatriation order quashed, he had also applied to the Department for voluntary retirement. The counsel for respondents states that the application has become infructuous because an order of voluntary retirement has been passed w.e.f. 31.01.2002. The counsel for the applicant states that the order has not been served on the applicant and he has not been able his salary since passing of repatriation order without relieving him. He has not received salary since August, 2001. Attention was drawn to this Tribunal's order dated 27.12.2001 which had directed finalisation of the applicant's voluntary retirement as per rules and to retain the applicant till his voluntary retirement. It clearly means that he will draw full wages and allowance as due to him till the order of voluntary retirement is served on him. Counsel for the applicant claims that the order has still not been served on him. The respondents are directed to pay all the wages and allowances etc. due to the applicant as per rules from the date from which they are due till the date of service of the retirement order on the applicant. After such a compliance is reported on the next date, the O.A. can be considered to have become infructuous. List for compliance of this order on 28.2.2002. A copy of this order will be given to the counsel for the parties within one day."

3. Shri A.K. Gaur, learned counsel for the respondents submits that applicant's request for voluntary retirement has since been accepted and the applicant has retired w.e.f. 31.01.2002. In the circumstances, therefore, O.A. has been rendered infructuous. ...pg.3/-

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4. Shri S.S. Sharma, learned counsel for the applicant then submits that applicant has not been paid his wages and allowances etc. as per rules, as directed by this Tribunal on 30.01.2002. Shri A.K.Gaur counsel for the respondents on the other hand submits that all due payments have been paid to the applicant after grant of extra ordinary leave to the applicant. Shri S.S.Sharma, learned counsel for the applicant submits that the respondents were not justified in granting extra ordinary leave to the applicant particularly when leave on half average pay was due to the applicant. This question cannot be gone into in the present O.A. If the applicant is aggrieved in that respect it would be open to him to make a representation before the competent authority and in case the representation is rejected, he may file an O.A. for redressal of his grievance.

5. The O.A. is dismissed as having become infructuous subject to the above observation. No order as to cost.


Vice Chairman

/M.M./