

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

PRESENT

HON'BLE MR. JUSTICE A.K. YOG, MEMBER (J).
HON'BLE MR. K. S. MENON, MEMBER (A).

ALLAHABAD this the 04th day of *September*, 2008.

ORIGINAL APPLICATION NUMBER 480 OF 2001.

Imlak Ahmad, S/o Shri Saeed Ahmad,
A/a 52 years, R/o 343, Rani Mandi, Allahabad.

.....Applicant

By Advocate: Sri S.S. Sharma

V E R S U S

1. Union of India owning and representing Northern Railway,
Notice to be served to the General Manager, Northern Railway,
Baroda House, New Delhi.
2. The Chief Administrative Officer/Construction,
Northern Railway, Kashmere Gate, Dalhi- 6.
3. The Divisional Railway Manager,
Northern Railway, D.R.M. Office, Nawab Yusuf Road,
Allahabad.
4. The Dy. Chief Engineer/Construction, Northern Railway,
Allahabad.

.....Opposite Party

By Advocate: Sri Prashant Mathur

ORDER

DELIVERED BY: HON'BLE MR. JUSTICE A.K. YOG, J.M.

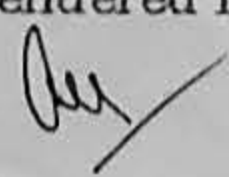
Learned counsel for the applicant stated that the applicant earlier had filed O.A No. 1178/99 against the order of reversion passed against him vide order dated 25.05.1999. It is further stated that the

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said O.A was allowed. Learned counsel for the applicant has two categorical stands - that the main order of reversion was set aside and consequently the order impugned in this O.A is against the impugned order as a consequence of the main order (set aside by this Tribunal vide order dated 25.05.1999).

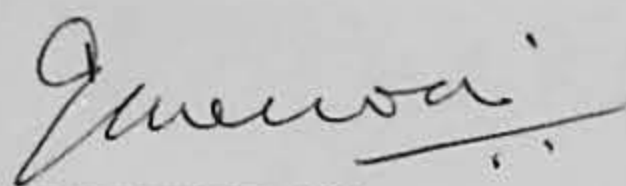
2. Learned counsel for the respondents stated that the applicant has retired whereas the present O.A has been filed against the order of transfer and hence this O.A has been rendered infructuous. The above stand taken by the learned counsel for the respondents is vehemently denied by the learned counsel for the applicant.

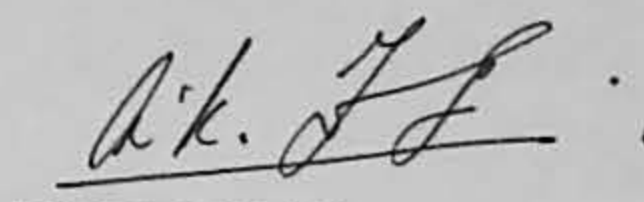
3. Prima facie we are of the opinion that this O.A having been filed against the impugned order dated 07.03.2001 (Annexure A- 1 to the O.A PP-19). A perusal of the impugned order shows that it is an order of transfer whereby the applicant, who was at the relevant time was working under Dy. CE/C/ALD and directed to report to Dy. CE/C/II/CDG as Khalasi. Another order impugned in this O.A is dated 10.04.2001 (Annexure A- 3 to the O.A PP- 22) passed on the representation of the applicant dated 09.03.2001 (Annexure A- 2 to the O.A PP-20). Learned counsel for the applicant further informs that there had been an interim order. Hence there can be two possibilities- (i) the impugned order was given effect to and/or (ii) it was not given effect to by virtue of orders of the Tribunal/higher court or the same having been kept in abeyance under the orders of higher authority. Be that as it may by quashing of the impugned order of transfer the applicant can get no effective relief in view of the O.A has been rendered infructuous. The O.A is accordingly dismissed as having rendered infructuous. It is made clear



that the claim of the applicant with respect to his emoluments, wages, salary etc., if any, for the period between date of the impugned order and till this date, shall not be prejudiced particularly when the interim order, if any, passed by this Tribunal was operative. Such arrears, if not paid, shall be paid by the respondents within two months from the date of receipt of copy of this order or otherwise pass reasoned order of denying the same. The applicant is directed to file certified copy of this order within two weeks from today.

4. There shall be no order as to costs.


MEMBER (A)


MEMBER (J)

/Anand/