

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.733/2001

WEDNESDAY, THIS THE 5TH DAY OF FEBRUARY, 2003

HON'BLE MRS. MEERA CHHIBBER .. MEMBER (J)

Surjit Singh Banga,  
(M.E.S. No.436825),  
S/o late Sri Kesar Singh Banga,  
Posted as Meter Reader in  
Garrison Engineer, Jhansi,  
R/at 29, Lalitpur Road,  
Jhansi Cantt.,  
Jhansi.

...

APPLICANT

(By Advocates S/Shri O.P. Mishra &  
R.K. Singh)

Versus

1. Union of India, through  
Secretary,  
Ministry of Defence,  
New Delhi.
2. The Commander Works Engineer,  
Head Quarters, Jhansi.
3. Garrison Engineer,  
Jhansi Cantt., Jhansi.
4. R.K. Saxena,  
Meter Reader,  
Jhansi Cantt.,  
Jhansi.

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RESPONDENTS

(By Advocate Shri R.C. Joshi)

ORDER

By this O.A., the applicant has challenged his transfer and posting order dated 6.6.2001, whereby, he was transferred from Jhansi to Talbehath, on the ground that this transfer is contrary to the policy laid down by the respondents themselves.

2. Today, when the matter was called out, counsel for the respondents submitted that this O.A. has since become infructuous inasmuch as the applicant had apart from filing

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this O.A., already submitted a representation to the Commander, Works Engineer, Jhansi, dated 16.6.2001, who, after considering the same, cancelled the order of transfer dated 6.6.2001, as well as the order dated 9.6.2001, vide his order dated 27.06.2001. The said order is annexed as C.A.-3 to the counter affidavit. He has further submitted that pursuant to the order dated 27.6.2001, passed by the Commander Works Engineer, Jhansi, the Garrison Engineer, Jhansi, had also issued an order dated 30.6.2001 and cancelled the order dated 6.6.2001 (CA-4). Pursuant to the order dated 30.6.2001, Garrison Engineer, Jhansi, has also passed another order dated 17.7.2001, asking the Presiding Officer to arrange the handing over of complete charge of the post to the petitioner (CA-5). They have thus submitted that since the respondents have themselves redressed the grievance of the applicant, there is nothing more that survives for adjudication by the Tribunal. Therefore, the O.A. may be dismissed as having become infructuous.

3. However, counsel for the applicant invited my attention to para 4(c) of the rejoinder affidavit wherein it is submitted that despite interim orders passed by this Court on 14.6.2001, the Garrison Engineer, Jhansi, did not permit the applicant to join the duties nor was he allowed to sign the attendance register upto 4.7.2001 and it was only on 4.7.2001 that the applicant was allowed to mark his attendance and join duties. Therefore, the applicant's counsel has prayed that respondents be directed to regularise this intervening period.



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4. I have heard both the counsel and perused the pleadings.

5. Admittedly, as per respondents' own reply, the higher authorities have already cancelled the transfer order of the applicant which was issued on 6.6.2001 and 9.6.2001.

So, naturally the consequence of it is that the applicant <sup>should be</sup> ~~may~~ be deemed to be in service in the same place, especially so, when the Tribunal had stayed the operation of impugned orders on 14.6.2001. Now that the respondents have redressed the grievance of the applicant by cancelling the transfer order itself, I am sure, they would regularise the intervening period <sup>also</sup> when the applicant was not allowed to sign the register. Necessary orders may be passed within four weeks from the date of receipt of a copy of this order.

6. The O.A. is disposed of with the above direction.  
No order as to costs.



MEMBER (J)

psp.