

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO. 1121 OF 2004

ALLAHABAD THIS THE 22th DAY OF FEBRUARY, 2008

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J

Gopal Das, Aged about 42 year5s, S/o Sri Munni Lal,
R/o Biharipura, Nagra, Jhansi.

.....Applicant

By Advocate Shri R.K. Nigam

V E R S U S

1. Union of India through G.M., N.C.R., Allahabad.
2. Dy. Chief Engineer (TT) Divisional Railway
Manager Officer Compound, N.C.R., Jhansi.
3. Asstt. Engineer (TT), DRM Office Compound,
N.C.R., Jhansi.

.....Respondents

By Advocate: Sri K.P. Singh.

O R D E R

Sri S.M. Ali holding brief of Sri R.K. Nigam, counsel for the applicant stated on the instructions given by the clerk attached to the office of Sri R.K. Nigam that the applicant is not responding, hence the case may be dismissed in default. Since the counsel is appearing, case cannot be dismissed in default.

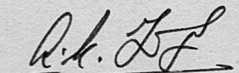
2. Sri K.P. Singh appearing on behalf of the respondents submits that this O.A. was filed challenging the transfer order dated 4.9.2004. A

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perusal of the order dated 20.4.2005 shows that the applicant was put under transfer while the disciplinary proceedings were pending for which at that stage had the doubt about the bonafide of the respondents.

3. Perusal of the record shows that Counter Affidavit was served upon the applicant in January, 2005 as per endorsement made on delay condonation application no. 296 of 2005. This M.A. (Condonation of delay) is allowed and Counter Affidavit is taken on record. There is no contravention made in the said Counter Affidavit. The applicant was required to file Rejoinder Affidavit by order dated 20.4.2005, but the same has not been filed till date. The learned counsel for the parties state that no interim order has been passed at any stage.

4. Normally one can expect that the transfer order must have been given effect to and ^{by the} disciplinary proceedings ^{also} must have been concluded. In the circumstances of the instant case, it appears that the O.A. has been rendered infructuous. It is accordingly dismissed as infructuous. No costs.


MEMBER-J