

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Transfer Application No. 445 of 1986

Mukesh Mehra

... ... Applicant

Versus

Union of India and Ors

... ... Respondents

CORAM:

Hon'ble Mr. Justice U.C. Srivastava, V.C

Hon'ble Mr. K. Chayya, Member(A)

(By Hon. Mr. Justice U.C. Srivastava, V.C)

In this transfer application which originally was instituted as a suit in the year 1984 has been transferred to this Tribunal. The applicant has moved yet another amendment application praying that the order of Chief Engineer dated 29.6.90 so far as ~~be treating~~ the period of absence from 25.7.81 to 16.2.86 without pay and also order dated 12.11.88 directing that the said period of absence should be treated as extra ordinary ^{leave} without pay and allowances and the order dated 11.7.90 was communicated to the applicant vide letter dated 17.7.90 be quashed and the respondents be directed to grant promotion and seniority to the applicant as UDC w.e.f. 30.6.84. The suit was filed initially against the transfer order with a prayer that the applicant may be allowed to join his duty

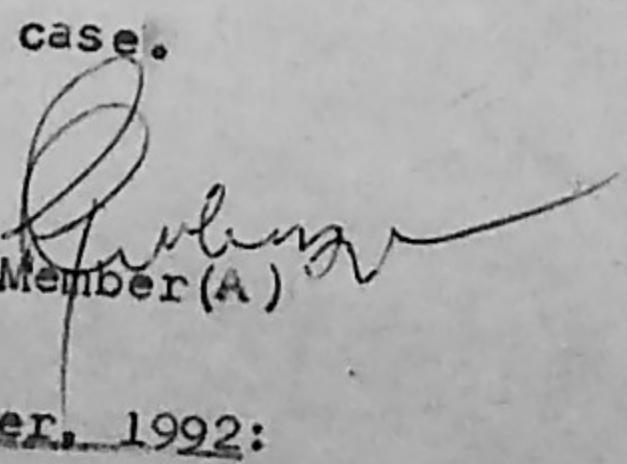
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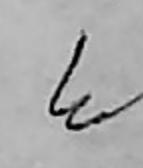
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at Agra with benefits and entitlement to receive the entire salary w.e.f. 9.6.81 till the date of joining. After joining how the period was to be treated has been decided.

2. The applicant wants to challenge the decision which was given in this behalf. It is a fresh cause of action which arose subsequent to the filing of the suit and rather is a matter which is a fresh matter altogether. Incase the amendment will be allowed it will be misjoinder of cause of action. Accordingly this application is rejected. It is for the applicant to challenge the order by filing a fresh original application as the cause of action ~~has~~ accrued in respect of the matter during the pendency of the case.

3. The application is directed against the transfer order which was passed on 11.6.81. The applicant did not join the said transfer post for few years on certain grounds and ultimately he joined the transfer post in the year 1986 at Itarsi. In view of the fact that the applicant has already joined his transfer post and is working at Itarsi. The application has become infructuous. It is accordingly dismissed as infructuous with the observation that so far as the other ^{many} places are concerned it is for the applicant to get it adjudicated by filing another case.


Member (A)


V.C.

Dated: 4th September, 1992:

(Uv)