

(AM)

(5)

Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (O.A.) No. 613 of 1987

Harcharan Bhabhuti Applicant.
Versus
Divisional Railway Manager, C.Rly.
Jhansi & others Respondents.

Hon'ble Ajay Johri, A.M.

Heard Sri V.K. Burman, learned counsel for the applicant and Sri V.K. Goel, learned counsel for the respondents.

2. This application, under Section 19 of the Administrative Tribunals Act XIII of 1985, is against the order of transfer dated 18.2.1987 by which the applicant was transferred to Palwal from Lalitpur. In this case a stay was granted on 31.7.1987 by this Bench staying the operation of the transfer order and the stay order was modified from time to time and the case has not yet come up for final hearing. A mention has been made to-day that on the basis of the applicant's age being 57 years at the time of making the application the applicant has either retired on 31.8.1988 or is likely to retire in this month. Sri Goel submits that the applicant is retiring at the end of September, 1988. The background of the transfer order was that the applicant was suffering from heart trouble and he was not allotted any accommodation at Lalitpur and he was finding difficulty in discharging his duties. Therefore, he had requested for his transfer to Palwal. Subsequently the respondents allotted him an accommodation at Lalitpur too and his personal problems regarding his illness, etc. got sorted out. The transfer has not yet been carried out and the applicant is now retiring at the end of this month on

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the basis of his date of birth being 13.9.1930. Therefore, the question of his carrying out the transfer at this stage when he has only about 15 days more to retire has no meaning *or merit.* ³¹

3. On the above considerations I allow the application and quash the impugned orders of transfer. Parties will bear their own costs.

31/9/88

MEMBER (A).

Dated: September 14, 1988.

PG.