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CENTRAL ADMINISTRATIVE TRIBUNAL,

ALLAHABAD BENCH

ALLAHABAD.

Date of order 10/8/94

O.A. No.1034/93

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S.P. Rajoria ..... :::::: Applicant

(By Shri S.Agrawal,  
Advocate)

Vs.

Union of India, through  
Secretary, Ministry of  
Railways, New Delhi &  
Others.

:::::: Respondents

(By Shri G.P.Agarwal,  
Advocate)

HON'BLE MR. JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.

JUDGMENT.

(By Hon.Mr.Justice B.C.Saksena, V.C.)

A short question has been raised in this O.A. The applicant's case is that pursuant to orders dated 21-6-93 he was relieved by the Shop Superintendent, Progress, on 23-6-1993 and joined at Store Department on 2-7-1993. Thus he pleads that once the transfer order was carried out and he had joined at the transferred place, the transfer order exhausts itself and could not have been cancelled thereafter. For this proposition the learned counsel for the applicant relied on 3 decisions :-

- (1) 1987 Lucknow Civil decisions 253  
Smt. Beena Tripathi Vs. State of U.P.
- (2) K.N. Gehlaut's case reported in  
1994 (64) SLR 29.

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(3) Ranjitmal Vs. State of U.P.  
1994 (68) FLR page 39.

2. The respondents have filed a detailed counter-affidavit. The stand of the respondents is that by an order dated 21-6-93/ arrangement was made whereby the applicant who was holding the post of Dy. Shop Supdt. in the scale of Rs.2000-3200 was ordered to continue as Dy. Shop Supdt. and one Shri R.K. Khede was directed to continue as T.I. in the pay scale of Rs.1600-2660. This arrangement of transfer was cancelled on 3-7-92. It has further been pleaded that it is incorrect that the applicant was relieved by the Shop Supdt. on 23-6-93, but he was relieved on 2-7-93 and when he went to Store department for taking over charge the same was not handed over as the respondent No.3 Shri Khede was on leave and the respondent No.3 reported for duty on 3-7-93. It has further been pleaded that the cancellation of the order does not bring about any reduction in pay and the applicant continues in the same scale in which he was working. It is pleaded that the order dated 21-6-93 was withdrawn in the administrative interest and the order was withdrawn without any addition, deletion or change before implementation of the alleged transfer order.

3. The applicant has not filed any rejoinder affidavit.

4. In view of the facts indicated in the counter-affidavit, I am unable to hold that the order of transfer

had been given effect to before its cancellation. The applicant, in view of the averments in the counter-affidavit, has not taken over the charge. In the proposition of law laid down, the decisions relied upon by the learned counsel for the applicant is wholly inapplicable in the present case. The O.A. lacks merits and is accordingly dismissed.

5. The interim order is vacated.
6. In the circumstances, however, there will be no order as to costs.

B. Chakravarthy

VICE-CHAIRMAN.

Dated: 10/6/94, Allahabad.

(tgk)