

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 3rd day of April 2000.

Original Application no. 118 of 1995.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member
Hon'ble Mr. M.P. Singh, Administrative Member.

Brij Mohan Mehta,
 S/o Sri R.L. Mehta,
 Branch Sectetary (Ref/Mech (SK)) MES Karam Chari
 Sangh, GE(P) Branch Bareilly Cantt,
 R/o MES Staff Qr no. 37/C MTTC Area Shahjahanpur
 Road Bareilly Cantt (Presently posted in G.E. (MES))
 Air Force Izatnagar Bareilly).

... Applicant

C/A Shri R.C. Pathak

Versus

1. Union of India through its Secretary Ministry
 of Defence Govt. of India, South Block
 New Delhi.
2. Union of India through the Desk Officer
 Ministry of Labour, Govt. of India, New Delhi
3. The Engineer-in-Chief E-in- C's Branch
 AHQ Kashmir House Rajaji Marg, New Delhi.
4. The Chief Engineer,
 Central Command,
 Lucknow.
5. The Chief Engineer,
 Nareilly Zone,

Sarvatra Bhawan Station Road

Signature

(16)

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Bareilly Cantt.

6. The Commander Works Engineers CWE (MES)
Station Road,
Bareilly Cantt.

7. The Garrison Engineer (Project)
MES
Bareilly Cantt

8. The Garrison Engineer (AIR FORCE)
MES
Izzatnagar,
Bareilly.

9. The AGE/E/M (Project)
C/o G.E. (P) MES
Bareilly Cantt

10. The AGE E/M II AIR Force
C/o GE (AR) MES
Izzatnagar,
Bareilly.

... Respondents

C/Rs Sri S. Chaturvedi

Sri

...3/-

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O R D E RHon'ble Mr. S.K.I. Naqvi, Member-A.

The applicant has come up before the Tribunal seeking direction to respondent no. 2 to withdraw/cancel the order dated 13.07.94 with regard to transfer of applicant from GE (P) Bareilly Cantt to GE (AF) MES Izatnagar. The applicant has also challenged the order through which he has been declared surplus on the post of Ref/Mech. The applicant has **challenged** the order mainly on the ground that the transfer order is malafide, arbitrary and unconstitutional and beyond jurisdiction and also against the policy of the Govt. of India on factual ground, ~~that~~ this order has been challenged mentioning that the declaration of post as surplus and unconstitutional transfer of the applicant was with malafide intentions.

2. The respondents have contested the case and supported the impugned order with specific mention ~~xxxx~~ of the strength position. The relevant rule and copies of other documents have also been filed in support of his contention. No RA filed.

3. Learned counsel for the respondents has filed suppl CA with the mention that subsequent to the filing the claim petition and the CA the applicant has submitted

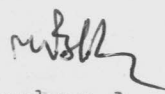
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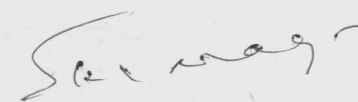
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an application addressed to GE (2), Bareilly, informing that he ^{has} withdrawn his claim petition pending before Central Administrative Tribunal, Allahabad. The copy of information furnished by the petitioner has been annexed with suppl. CA.

4. Learned counsel for the applicant does not dispute this position.

5. Since the applicant does not want to prosecute the case and has intimated his department ie. respondents in the present OA. The OA is dismissed accordingly. No order as to costs.


Member-A


Member-J