

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.53 OF 1999
ALLAHABAD THIS THE 1ST DAY OF DECEMBER, 2004

HON'BLE MR. M. P. SINGH, VICE-CHAIRMAN
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

Dilip Kumar Pawar,
Son of Sri S.L. Pawar,
resident of 21, Alkapuri,
Pratapnagar Crossing Jaipur House-
Agra.

.....Applicant

(By Advocate Shri Shri S.P. Singh ; Not
Present)

Versus

1. Union of India,
through General Manager (P),
Central Railway, Head Quarter Office,
CST, Mumbai (Maharashtra)-400 001.
2. Chief Commercial Superintendent,
Central Railway Head Quarter Office,
CST, Mumbai.
3. Divisional Railway Manager(P)
Central Railway, Jhansi.
4. Station Manager, Central Railway,
Agra Cantt, Agra.

.....Respondents

(By Advocate Shri G.P. Agarwal)



.....2/-

- O R D E R -

HON'BLE MR. M. P. SINGH, VICE-CHAIRMAN

As none is present on behalf of applicant, even in the revised call, we are disposing of this O.A. in the absence of the applicant or his counsel by invoking Rule 15 of the CAT (Procedure) Rules 1987. We have heard the learned counsel for the respondents and perused the pleadings.

2. By filing this O.A., the applicant is claiming the following reliefs:-

"(a) This Tribunal may kindly be pleased to quash the orders dated 26.11.1998 and 23.12.1998 contained in Annexure-1 and 2 to this application.

(b) The respondents may be directed not to compel the applicant for being relieve from the post of Typist working in Computer Reservation Office (Charting) Agra Cantt, Agra.

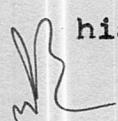
(c) The respondents may also be directed to pay the regular pay scale to the applicant as Typist which was drawn by the applicant earlier.

(d) Any other suitable direction which this Tribunal may deem just and proper in the facts and circumstances of the case.

(e) to award the cost of the petitioner to the applicant."

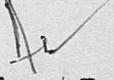
3. The brief facts of the case are that the applicant was appointed as Khalasi but actually he was working as Casual Typist. He has been transferred from Jhansi to Agra vide order dated 26.11.1998 and orders to have been issued to relieve him from the present post vide order dated 23.12.1998. The applicant has sought direction to quash both these orders (Annexure 1 & 2).

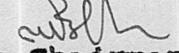
4. The respondents in para 30 of their reply have stated that applicant has since been relieved from his present post from Agra. The applicant in his



rejoinder affidavit has stated that the facts mentioned by the respondents are incorrect as he was on medical leave, and the rejoinder affidavit was filed in January 2000 almost five years back. Since the applicant has already been relieved from his present post in January 2000 and more than four years have already elapsed, the relief claimed by him in this O.A. has become infructuous.

5. In view of the above discussions, the O.A. is dismissed as having become infructuous. No order as to costs.


Member-J


Vice-Chairman

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