

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1131 OF 2000

ALLAHABAD THIS THE 17TH DAY OF MARCH 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Bali Ram Rai S/o, Umashanker Rai,
R/o Central Colony, Mughalsarai,
District-Chandauli.

.Applicant

By Advocate : Shri S. K. Dey and Shri S. K. Mishra

Versus

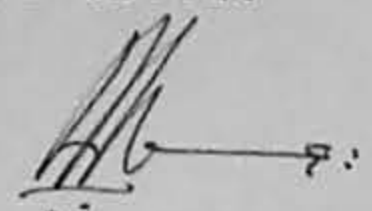
1. Union of India, through the General Manager,
E. Rly. Calcutta-1.
2. The Chief Personnel Officer, E. Rly,
Calcutta.
3. The Senior Divisional Personnel Officer,
E. Rly., Mughalsarai.
4. Sri S. K. Jha, Senior Divisional Operating
Manager, E. Rly. Mughalsarai, Dt. Chandauli.

.Respondents

By Advocate : Lalji Sinha

O R D E R

The applicant being aggrieved by the order of transfer dated 28.09.2000 has filed this application, by the order dated 13.10.2000 the said impugned order was stayed and subsequently it was vacated. During the pendency of this application it stated that subsequently the respondent's authorities have considered the case of the applicant and passed the order to retain the applicant as Dy. Cym. in Scale of Rs.6500-10500 (RSRP) in MGS division on 17.10.2001.



The copy of the same is produced as Annexure-3 in the supplementary Affidavit of the applicant. The learned counsel for the applicant submits that the grievance of the applicant with regard to the transfer does not survive but for payment of wages was not considered by the respondents for the period from 28.09.2000 to 24.10.2001 and, therefore, submits that direction be issued in this regard to the respondents.

2. Learned counsel for the respondents submits that the grievance of the applicant does not survive for consideration having regard to the fact that the respondents authorities have considered the case of the applicant and passed the necessary order dated 17.10.2001 and sought for the dismissal of the OA.

3. I have heard the learned counsel for the applicant and learned counsel for the respondents. On perusal of the pleadings and materials available on record it clearly goes to show that the OA does not survive for consideration, in view of the fact that the respondents have cancelled the order of transfer by the order dated 17.10.2001 and with regard to the contention regarding the wages of the applicant is concerned, the applicant has not made any representation before the competent authority, with regard to the payment of wages, in the absence of the same is not proper seeking direction to the respondents. In view of the same this OA does not



survive for any consideration. The OA is accordingly dismissed. No Costs.

4. However, liberty is given to the applicant to make necessary representation before the competent authority with regard to the non payment of the wages to the applicant is concerned. If such a request is made, the respondents will decide the same in accordance with law.



Member-J

/ns/