

(open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 02nd day of February, 2001.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Original Application No. 829 of 2000.

Rajeev Kumar, a/a 30 years.

S/o Late O.P. Yadav. R/o House No. 317 B,

New Model Railway Colony, Izatnagar, Bareilly.

.....Applicant.

Counsel for the applicant :- Sri Satish Mandhyan

V E R S U S

1. Union of India through The General Manager,
Northern Eastern Railway, Gorakhpur.

2. Divisional Railway Manager, North Eastern Railway,
Izatnagar, Bareilly.

3. Senior Divisional Personal Officer, N.E.R,
Izatnagar, Bareilly.

4. Chief Work-Shop Manager, N.E.R,
Izarnager, Bareilly.

5. J.P. Joshi, Asstt. Personal Officer (Workshop),
N.E.R, Izatenagar, Bareilly.

.....Respondents.

Counsel for the respondents:- Sri G.P. Agrawal



O R D E R (oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of the Act, applicant has challenged the order dt. 01.03.00 by which he has been transferred from Izatnagar, Barielly to Fatehgarh as Senior Clerk.

2. The respondents were given opportunity to file counter affidavit but inspite of stop order dt. 18.12.00 C.A has not been filed. Sri G.P. Agrawal, learned counsel for the respondents has prayed for further time but considering the various opportunities already given, I do not find any justification for granting ~~any~~ further time. The O.A is accordingly dispensed of finally on the basis of materials on record.

3. Learned counsel for the applicant has submitted that challenging the impugned order of transfer, applicant had filed O.A No. 268/00 in this Tribunal. He also represented against the order of transfer. The representation of the applicant was allowed by order dt. 14.04.00 a copy of which has been filed as annexure A- 13. The applicant was restored to his original posting with certain directions that applicant shall be kept under vigilance. It is further submitted that in view of the order dt. 14.04.00 as relief was granted to the applicant, the applicant withdrew his O.A and it was dismissed as withdrawn on 11.07.00. The grievance of the applicant is that inspite of the order dt. 14.04.00 passed on his representation the respondents are still giving effect to the impugned order dt. 01.03.00 and he is not permitted to join at Barielly. Sri Agrawal on the other hand submitted that as the applicant joined at Fatehgarh this O.A has become infructuous and applicant is not entitled to

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any *for* ~~any~~ *relief*.

4. In my openion applicant is entitled for relief. Infact the order dt. 01.03.00 has become ~~non-~~ *existsnce* after order dt. 14.04.00.

5. For the reasons stated above this O.A is allowed. The order dt. 01.03.00 (annexure- 12) is quashed. The respondents shall ~~be allowed to join~~ *join* the applicant on the post, as provided in the order dt. 14.04.00.

6. There will be no order as to costs.

[Signature]
Vice-Chairman.

/Anand/