

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 21st day of March, 2001

C O R A M :- Hon'ble Mr. S. Dayal, Member- A.

Original Application No. 964 of 2000

Ajit Kumar Mishra a/a 45 years

S/o Late R.D. Mishra. R/o G-I-99 A.D.A Colony,
Kalindipuram, Allahabad.

..... Applicant

Counsel for the applicant :- Sri K.P. Singh

V E R S U S

1. Union of India through Dy. Director General
Military Farm Army Headquarters Q.M.G's Branch
R.K. Puram, West Block, New Delhi.
2. Director, Military Farm, Headquarter Central
Command, Lucknow.
3. Officer-In-Charge Military Farm Record,
Delhi Cantt.
4. Sri V.P. Singh Brig, D.D.G, M.F, QMS Branch Army,
Hqs, New Delhi.
5. Ratan Lal Sharma Farm Officer, Officer-In-Charge
Military Farm, Namkum.

.....Respondents.

Counsel for the respondents :- Sri Rajeev Sharma

O R D E R (Oral)

(By Hon'ble Mr. S. Dayal, Member- A.)

This application has been filed for setting-aside the order dt. 25.04.2000 and 19.08.2000 and a further direction to the respondents to consider transfer of the applicant nearer to the Allahabad.

2. I have heard Sri K.P. Singh, learned counsel for the applicant and Sri Rajeev Sharma, learned counsel for the respondents.

3. Sri Rajeev Sharma, learned counsel for the respondents has drawn my attention to counter affidavit dt. 07.12.00 filed by one Sri Ratan Lal Sharma, Officer Incharge, Military Farm, Namqum Ranchi. It has been mentioned in this C.A that during the pendency of the O.A, applicant has been given Lucknow, which was his choice, as a place of posting. It has also been mentioned that the applicant was reverted from the post of U.D.C to the post of L.D.C on 03.08.99 and this order dt. 03.08.99 has not been challenged by the applicant. It is contended by the learned counsel for the respondents that the order challenged in the O.A was regarding transfer of the applicant to Military Farm, Panagarh. Since that order does not exist any more, the application has become infructuous.

4. Learned counsel for the applicant has denied the contention of learned counsel for the respondents that the applicant had been reverted on 03.08.99 and claims that he is still working as adhoc U.D.C. He has also stated that the order dt. 03.08.99 has not been served on the applicant till date.

5. Since the matter of present status of the applicant

had become contentious, both learned counsels were required to file affidavits on the issue. In the affidavit filed by Ratan Lal Shama, Officer Incharge, Military Fam, Ranchi on 20.03.2001, the respondents have admitted that the applicant is working as ad hoc U.D.C. and has been transferred to Lucknow as ad hoc U.D.C.

6. The next contention of learned counsel for the applicant is that the applicant has not been transferred but has only been attached on temporary duty to Headquarter, Central Command Military Fam, Allahabad. I have considered this contention of learned counsel for the applicant and find that the order dated 27.11.2000 states that the posting of the applicant has been diverted to Military Fam, Lucknow which was his choice station. In the order of transfer he has been addressed as ad hoc U.D.C. and transfer order does not mention that he has been reverted as L.D.C. In clarification given by learned counsel for the respondents in affidavit filed on 20.03.2001, the matter becomes clear. Therefore, grievances of the applicant have been adequately taken care of by the respondents. The O.A. has become infructuous on account of change of place of posting on transfer as clarified in affidavit filed on 20.03.2001. O.A. is, therefore, dismissed as having become infructuous.

7. There will be no order as to costs.


Member-A.

/Anand/