

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.379 OF 2003

ALLAHABAD THIS THE 11TH DAY OF FEBRUARY, 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHARIMAN

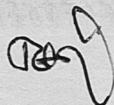
Kapoor Chandra Prasad,
Aged about 58 years, Son of
Sri Ganga Ram, Posted as
Divisional Commercial Manager,
East Central Railway Mughalsarai,
R/o House No.586 Nai Basti,
GT Road, Mughalsarai,
District.-Chandauli.

.Applicant

(By Advocate Sri S. Agrawal and Shri S.K. Mishra)

Versus

1. Union of India,
through the General Manager,
East Central Railway, Hajipur, Bihar.
2. The General Manager (P),
East Central Railway,
Hajipur, Bihar.
3. The Chairman,
Railway Board, Rail Bhawan,
New Delhi.
4. The Divisional Railway Manager,
East Central Railway, Mughalsarai.
5. The Senior Divisional Personnel Officer,
East Central Railway, Mughalsarai.



6. The Operational Manager,
East Central Railway,
Hajipur, Bihar.

7. Sri Sameer Kumar,
Assistant Commercial Manager,
to be served through the Senior
Divisional Commercial Manager,
Eastern Central Railway,
Mughalsarai.

. Respondents

(By Advocate Sri A.V. Srivastava)

ORDER

The applicant, a Divisional Commercial Manager, East Central Railway, Mughalsarai, was transferred, vide order dated 27.03.2003, to Eastern Railway. The said order is sought to be quashed, inter alia, on the ground that the option given by the applicant on 05.08.2002 pursuant to letter no.E-740/0/New Zone Calcutta, the 9th July 2002 was not taken into consideration. The applicant, according to the said option, wanted to be retained at East Central Railway, Mughalsarai itself. Apart from challenging the aforesaid order, the applicant has also prayed for issuance of a direction to the respondents to place the Railway Board's wireless message no.E(8) (iii)2002/Opt/06 dated 06.01.2003/ ^{which} is also sought to be quashed. It is not disputed that the applicant is due to retire on 28.02.2005. It is also not disputed that pursuant to the impugned transfer order the applicant joined his duties at Eastern Railway,

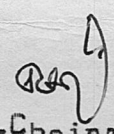
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Calcutta and at present he is working there.

2. In the fact situation of the case, all that could be done, is to direct the respondents to consider the applicant's option for being retained at Mughalsarai but having regard to the fact that the applicant joined his duties pursuant to the transfer order at Eastern Railway, Calcutta and is due to retire on 28.02.2005, it would be an exercise in futility to issue a direction to the respondents now to consider the applicant's option for being retained at East Central Railway, Mughalsarai.

3. Accordingly, the O.A. fails and is dismissed.

No Costs.


Vice-Chairman

/ns/