

Nathubha Amarsinh Gohil
Railway Quarter,
Gondal Rly. Station,
Gondal

... Applicant

versus

Union of India
Through:
General Manager,
Western Railway,
Church gate,
Bombay.

The Divisional Rly. Manager,
Western Railway,
Bhavnagar Division,
Bhavnagar para.

... Respondents.

Coram : Hon'ble Mr. P.H. Trivedi ... Vice Chairman
Hon'ble Mr. J.D. Sharma ... Judicial Member

ORDER

6/12/1990.

Per : Hon'ble Mr. P.H. Trivedi .. Vice Chairman.

Heard Mr. M.M. Xavier and Mr. R.M. Vin, learned advocates for the applicant and the respondents. The transfer has been stayed for a period of three years and in the meantime the post has been abolished thus actually obiliging the petitioner to move to the post to transfer to which he had resisted. However, the transfer order having been rendered infructuous by the passage of time. The cause now does not survive. So far as the petitioner having to move to the post no challange to the abolishing of the post has been made in this petition and therefore, that cannot be pursued in this case.

The learned advocate for the petitioner wants us to observe that he should enjoy preference regarding his being brought back to Jetalsar as and when a post is available. This is a matter of administrative exigency on which no observation can be made.

With the above observation the case is disposed of.

(J.P. Sharma)
Judicial Member

(P.H. Trivedi)
Vice Chairman.