

7
CAT/842

No. 142
CV
Transferred

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~XXXXXX~~

O.A. No. 630
Fax No.

1988

DATE OF DECISION 2/7/1991

Shri Baldev Shamji & Ors. Petitioners

Mr. K. K. Shah Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. B. R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M. M. Singh : Administrative Member

The Hon'ble Mr. R. C. Bhatt : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *JL*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement? *HL*
4. Whether it needs to be circulated to other Benches of the Tribunal? *NO*

(8)

Shri Baldev Shamji
" Asraf Mohamed
" Motiyan Raman
" Raisingh Samba
" Harjiwan Laxman
" Bhilsha Isanji
C/o. Kiran K. Shah
3, Achalayatan Society,
Div. II, Mammagar Fire Station
Navrangpura,
Ahmedabad.

: Applicants

(Advocate: Mr.K.K.Shah)

Versus

1. Executive Engineer
(Construction)
Survey & Construction
Department,
Western Railway,
Jamnagar.
2. Deputy Chief Engineer
Survey & Construction
Western Railway,
Ahmedabad.

: Respondents

(Advocate: Mr.B.R.Kyada)

O R A L Q R D E R

O.A./630/88

Date: 2/7/1991

Per: Hon'ble Mr. M.M.Singh : Administrative Member

1. This Original Application under Section 19 of the Administrative Tribunals Act, 1985 filed by the six applicants challenged the order of their transfer dated 26.9.1988.

2. When the matter came up for final hearing today, learned counsel for the respondents Mr.B.R.Kyada makes a statement at the bar that with regard to Applicant No.1 Shri Baldev Shamji, the order of transfer has since been cancelled. As the result of this, no cause of action remains with regard to him and the application has become infructuous. Mr.K.K.Shah, learned counsel for the applicants agrees with this position. So far as applicant No.1 is concerned, the application has now become infructuous.

3. With regard to the other five applicants, Mr.Kyada learned counsel for the respondents makes a statement at

the bar that the applicants if and when transferred shall be paid the daily allowances in accordance with the provisions of para 2508 of the Indian Railway Establishment Manual. Therefore with regard to them also this application against the order of transfer should provide no further cause of action. Mr.K.K.Shah, learned counsel for the applicants says that in case the applicant shall be paid daily allowance in accordance with the provisions of 2508 of the Indian Railway Establishment Manual, with regard to these applicants the application shall be treated as infructuous.

4. In view of the above positions stated by the two learned counsel, we dispose of this application as having ~~having~~ become infructuous. The same is disposed ~~of as~~ become infructuous.

rcb

(R.C.Bhatt)
Judicial Member

M.M.Singh

(M.M.Singh)
Administrative Member

a.a.b.