

*C.V. 6*  
*Trans. (No)*

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

*14*

**O.A. No.** 26 **of** 1989  
TAXXNS.

**DATE OF DECISION** 5.2.1992

Shri Alaganathan M. Ors. Petitioner

Shri P.P. Bhatt Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

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

**CORAM :**

The Hon'ble Mr. R.C. Bhatt : Member (J)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri Alaganathan M. & Ors.

: Applicants

(Advocate : Shri P.P. Bhatt)

VS.

Union of India & Ors.

: Respondents

(Advocate : Shri B.R. Kyada)

O R A L - J U D G E M E N T

O.S. No. 26 of 1989

Date : 5.2.1992

Per : Hon'ble Shri R.C. Bhatt

: Member (J)

None present for the applicants, Shri B.R. Kyada, learned advocate for the respondents present. The applicants have filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that the order of transfer, annexure A/2, dated 2.1.1989 issued by XEN (C's) Jamnagar, transferring the applicants, Surplus Casual Labourers, from Jamnagar to Bhavnagar Division, be quashed as the applicants being casual labourers are not transferrable to any other division except in Rajkot Division. The respondents have filed reply resisting the application.

2. ~~None present for the applicants.~~ Since the matter is of 1989, I decide the case on merits. <sup>Having considered</sup> the pleadings and documents on record. Learned advocate

Mr. B.R. Kyada for the respondents took preliminary objection of maintainability of this application on the ground that each applicant ought to have filed separate application challenging the transfer order and ought to have along with the application produced the impugned order, and such composite application is not maintainable.

However, the fact that the applicants have not moved from their original station till today, the submissions of the learned advocate for the respondents is that the respondents do not intend to implement that transfer order, annexure A/2, dated 2.1.1989 and the said order now becomes ~~on~~ infructus and hence the applicant could not have any grievance about the said impugned order.

While the order was being dictated learned advocate Shri M.S. Trivedi for Shri P.P. Bhatt, for the applicants made his appearance. In view of ~~these~~ <sup>peculiar facts</sup> submission, it is

not necessary to consider and decide the preliminary objection raised by learned advocate Mr. B.R. Kyada <sup>mainly because</sup> for the respondents. The impugned order, according to him, has become ~~on~~ infructus. and it does not survive now.

Hence the following order :-

O R D E R

The impugned order, annexure A/2 dated 2.1.1989, has become ~~on~~ infructus and does not survive and the applicants are at

VJ

the original station at Jamnagar and they are serving there, hence there is no question of implementation of this impugned order. The matter is therefore disposed of as the impugned order, annexure A/2, has become <sup>in</sup> ~~out~~ infructus and does not survive. The stay give earlier shall be vacated as the impugned order itself does not survive.

*R.C.Bhatt*

(R.C.BHATT)  
Member (J)

\*Ani.