

Out-transferred (N)

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 458/89

~~XXXXXX~~

DATE OF DECISION 11.02.1992

Madhu D/o Vashram and Petitioner
Savita D/o Poonja

Shri Y.V. 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. 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?

1. Madhu D/o. Vashram, F.B.
2. Savita D/o. Poonja, F.B.

C/o. Permanent Way Inspector (c)
Western Railway,
JAMNAGAR.

Applicants

(Advocate : Shri Y.V. Shah)

vs.

1. Union of India, through
The General Manager,
Western Railway,
Churchgate,
BOMBAY- 20.

2. Executive Engineer (C)
Western Railway,
JAMNAGAR.

3. Permanent Way Inspector (C)
Western Railway,
JAMNAGAR?

4. Permanent Way Inspector (Open Line)
Western Railway,
PRANTIJ.

• Respondents

(Advocate : Shri B.R. Kyada)

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

O.A. No. 458 of 1989

Date : 11.2.1992

Per : Hon'ble Shri R.C. Bhatt

• Member (T)

Heard Shri Y.V. Shah, learned advocate for the applicant and Shri B.R. Kyada, learned advocate for the respondents. This application under Section 19 of the Administrative Tribunals Act, 1985, is filed by two applicants challenging the order of transfer ~~by which~~ the applicants ~~who~~ are co-wives of the railway servants. The challenges made on the ground that the impugned order

of transfer dated 22.8.1989, vide annexure A/2 and A/3, are violative of para 2501 and 2508 of Indian Railway Establishment Manual. The learned advocate Mr. Kyada for the respondents submitted that after filing of this application, the request of the applicants were considered by the authorities and the applicants were placed at the same station where their husbands were working, and hence no grievance now against impugned order survives. The learned advocate Shri Y.V. Shah submits that though the applicants were put at the same station, where their husbands were working, the grievance of the applicants is that the said arrangement were made three months after the impugned order and hence the applicants should be given the salary of the period from 22.9.1989 to 21.12.1989, if admissible. Learned advocate Shri B.R. Kyada has strongly resisted this submission of learned advocate of the applicants on the ground that the relief sought in para 7 was to quash the order of transfer and there was no other relief prayed, and hence the question of considering the salary for the period of three months does not arise. It is true that there is no relief as such for the claim of salary for three months and the applicants did not choose to add that relief till today. The learned advocate for the applicants has made this grievance. ^{at the time of argument} Therefore, the grievance made on behalf of the applicants is noted, ~~but~~ ^{in though} no directions given. The grievance is that if the applicants

are entitled to the salary, according to the learned advocate for the applicant, they should be paid. But this grievance is not treated by this Tribunal as ^{begivento} direction to the respondents. In view of the admitted fact that the applicants and their husbands are now at the same station, there is no question to give any relief ^{impugned} as the impugned order does not survive.

O R D E R

The application is disposed of as the impugned order does not survive.
No order as to costs.

Roshan
(R.C. Bhatt)
Member (J)

*Ani.