

(B)

Suspension  
No.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
NEXXEXXX

O.A. No. 492 of 1990  
~~Ex-A.O. No.~~

DATE OF DECISION 7.8.1991

Shri H.R. Sharma

Petitioner

Mr. R.J. Oza

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. R.M. Vin

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh .. Member (A)

The Hon'ble Mr. S. Santhana Krishnan .. Member (J)

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

Shri H.R. Sharma,  
MVI,  
Bhavnagar Para,  
Western Railway,  
Bhavnagar.  
(Advocate-Mr. R.J. Oza)

(9) : Applicant

Versus

1. Union of India,  
Through :  
General Manager,  
Western Railway,  
Churchgate,  
Bombay.
2. Divisional Railway Manager,  
Bhavnagar Division,  
Western Railway,  
Bhavnagar.
3. Shri L.S. Mathur,  
DOS, Western Railway,  
Bhavnagar Para,  
Bhavnagar.  
(Advocate-Mr. R.M. Vin)

: Respondents

O.A. No. 492 of 1990

O R A L - O R D E R

Date : 7.8.1991

Per : Hon'ble Mr. M.M. Singh .. Member (A)

This Original Application filed under section 19 of the Administrative Tribunals Act, 1985, seeks relief against an order of suspension dt. 10.11.1990 and an order of transfer of the applicant outside the division.

2. In the record annexed to the application, no order of transfer of the applicant has been produced. A note dt. 10.11.1990 placing the applicant under suspension with immediate effect has been produced at Annexure A-6. Another note dt. 20.11.1990 has been

(10)

produced as Annexure A-7 to the effect that the applicant has been placed under suspension and that he should be paid 50% of his salary as per the extent rule.

3. This matter was listed for admission on 7.12.1990, 1.2.1991, 4.2.1991, 18.2.1991, 12.3.1991 and 25.4.1991. On the last date, the order was that the matter be posted on 18.6.1991 for admission and final hearing. However, it was not so posted and has been posted today. When the matter is called out today, Mr. G.A. Pandit learned counsel says that he has instruction from Mr. R.J. Oza, learned counsel for the applicant to appear and he will be filing his Vakalatnama in the case. He also stated that the suspension order has since been revoked and the matter of transfer is challenged in another original application which has been filed by the applicant and that this matter may be linked and heard with the OA/150/91.

4. Mr. R.M. Vin, learned counsel for the respondents has no objection to the above request.

5. However, we are of the view that the suspension order has already been revoked and the matter of transfer questioned in another original application as stated above by learned counsel Mr. Pandit, we <sup>see</sup> no cause of action survives in this application. The application is therefore rejected.



(S Santhana Krishnan)  
Member(J)



( M M Singh )  
Member(A)