

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

NO
Transfer

O.A. No. 526 OF 1990.

~~T.A. No.~~

DATE OF DECISION 10.3.1993

Shri P.K. Tiwari, Petitioner

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

Versus

Union of India & Ors. Respondent s

Mr. R.M. Vin, Advocate for the Respondent(s)

CORAM :

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

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 P.K. Tiwari,
Permanent Way Inspector Gr.I
working under the office of
Divisional Railway Manager at
Jetalsar in Bhavnagar Division,
Add: Quarter No. 84/P (Engg.)
Railway Colony, Jetalsar.

..... Applicant.

(Advocate: Mr. K.K. Shah)

Versus.

1. Union of India (Notice to be served through the General Manager (E), Western Railway, Headquarter Office, Churchgate, Bombay - 20.
2. The Divisional Railway Manager (E), Divisional Office, Western Railway, Bhavnagar Para, Bhavnagar.
3. Shri Rameshbhai B. Patel, C.P.W.I. (Safety) Village Post POR Via: Adalaj, Dist: Gandhinagar.

..... Respondents.

(Advocate: Mr. R.M. Vin)

ORAL ORDER

O.A.No. 526 OF 1990

Date: 10.3.1993.

Per: Hon'ble Mr. R.C. Bhatt, Judicial Member.

Heard Mr. K.K. Shah, learned advocate for the applicant and Mr. R.M. Vin, learned advocate for the respondents.

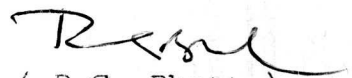
2. This application under section 19 of the Administrative Tribunals Act, is filed by the applicant serving as P.W.I with the respondents, seeking the relief to quash and set aside his order of transfer Annexure A. The respondents have filed reply to this application.

3. Today, at the time of hearing of this application the learned advocates submit that the applicant is dismissed from service due to his conviction under section 302 of I.P.C and he is undergoing imprisonment at present by virtue of decision in the appellate court. The learned advocate for the applicant therefore, submits that the question of transfer now does not survive because at present he is already dismissed. The learned advocate Mr. Vin for the respondents submitted that the application does not survive because according to him the applicant is no more in service.

4. I have heard the learned advocates. The applicant having been dismissed from the service and undergoing an imprisonment the implementation of Annexure A does not survive at all. Hence the following order.

ORDER

This application is disposed of in view of the fact that the applicant being in jail by virtue of his ^{conviction} ~~dismissal~~ and being dismissed from service ^{he is} ~~and~~ the question of implementation of order Annexure A does not survive. Application is disposed of. No order as to costs.


(R.C. Bhatt)
Member (J)