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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 172 OF 1998  
Cuttack this the 25th day of March, 1999

(PRONOUNCED IN THE OPEN COURT)

Madan Mohan Roy

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *Yes*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *No*

25-3-99  
(G.NARASIMHAM)  
MEMBER (JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
25-3-99

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.172 OF 1998  
Cuttack this the 25th day of March, 1999

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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Madan Mohan Roy,  
aged about 40 years,  
S/o. Late Anil Baran Roy,  
present working as - Switchman (Cabin)  
Under-South Eastern Railway, Sambalpur Division,  
At: Therubali Railway Station,  
At/Po: Therubali,  
Dist: Rayagada

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Applicant

By the Advocates : M/s.Subir Palit,  
M.Mallick,  
L.Jena

-Versus-

1. Union of India represented through  
Secretary to Govt. of India,  
Railway Department,  
At: Rail Bhawan, New Delhi
2. Divisional Traffic Manager,  
Office of- Divisional Railway Manager,  
South Eastern Railway, Sambalpur Division,  
At/Po: Kodipada, Khetarajpur,  
District : Sambalpur
3. Divisional Personnel Officer,  
South Eastern Railway, Sambalpur Division,  
Office of - Divisional Railway Manager,  
At/Po: Modipada, Khetrarajpur,  
District: Sambalpur

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Respondents

By the Advocates : Mr.D.N.Mishra,  
Standing Counsel  
(Railway)

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ORDER

**MR. SOMNATH SOM, VICE-CHAIRMAN:** In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant, who is working as Switchman(Cabin) under Station Superintendent, Therubali, has been transferred in order dated 9.2.1998 (Annexure-2) under the Station Superintendent of another Railway Station which is described as DKLU. In this Original Application he has prayed for quashing the order of transfer in view of his personal difficulties and difficulties of his family.

2. The Respondents in their counter have submitted that the applicant had filed a representation subsequently praying that he should be posted under Station Superintendent, Muniguda and in consideration of his representation earlier order of transfer dated 9.2.1998 (Annexure-2) has been changed and the applicant has been posted in order dated 20.5.1998 under the Station Superintendent, Muniguda in the same capacity and in the same scale. The earlier transfer order dated 9.2.1998 has also been cancelled.

3. Learned counsel for the petitioner is absent when called nor any request has been made on his behalf seeking an adjournment. This is a transfer matter and therefore, this cannot be allowed to drag on indefinitely. In view of this we have heard Shri D.N.Mishra, learned Standing Counsel appearing for the respondents and have perused the records. As the impugned order of transfer dated 9.2.1998 (Annexure-2) has already been cancelled vide order dated 20.5.1998 (Annexure-R/1) and the applicant has been posted to Muniguda in

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consideration of his representation by the departmental authorities, this Original Application has become infructuous. In view of this the application is disposed of for having become infructuous, but without any order as to costs.

(G.NARASIMHAM)  
MEMBER(JUDICIAL)

B.K.SAHOO

SOMNATH SOM  
VICE-CHAIRMAN  
25.3.99.