

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Order No. 18, dated 8.5.2002

The applicant, having faced an order of transfer, dated 12.9.1997, approached this Tribunal in O.A.No. 536 of 1997; wherein by order dated 22.9.1997 the Respondents were directed not to give effect to the said transfer order till disposal of the applicant's representation, dated 17.9.1997. As it appears, on 12.9.1997, the applicant was given orders to hand over charge and proceed to join the new place of posting, under Annexure-4, dated 5.1.1998 and Annexure-5 dated 14.4.1998. It is stated by Shri D.N.Misra, learned Standing Counsel (Railways) that the representation, dated 17.9.1997, was disposed of on 22.5.1998 and, therefore, the orders under Annexures 4 and 5 were passed before disposal of the representation of the applicant. It also appears that after issuance of the transfer order, dated 12.9.1997, which was stayed in O.A.No. 536 of 1997, another transfer order was passed and pursuant to the same, the applicant was asked to hand over charge under Annexures 4 and 5, dated 5.1.98 and 14.4.98 respectively. There are no materials on record to show that the applicant ever challenged the second transfer order.

2. In the aforesaid premises, the second transfer order having not been challenged/stayed and the representation dated 17.9.1997 having been disposed of on 22.5.1998, there remains no merit in the

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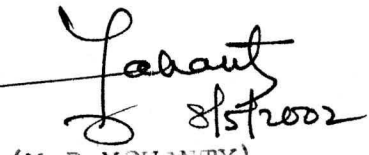
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Free copies of final  
order dt. 8.5.02 issued  
to counsel for both sides.

27/5/02

S.O.C.)

present O.A. and, as such, the prayer made in the present O.A. to set aside/quash the orders under Annexure-4, dated 5.1.1998 and Annexure-5, dated 14.4.1998, cannot be acceded to. Therefore, this O.A. is dismissed, having no merit, but, under peculiar circumstances, there shall be no order as to costs. This order has been passed on the consent of the parties, after hearing Mr.S.R.Mohapatra appearing on behalf of Mr.D.R.Patnaik, Advocate for the applicant and Mr.D.N.Mishra, learned Standing Counsel (Railways).

  
(M.R. MOHANTY)  
MEMBER (JUDICIAL)