

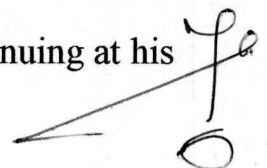
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**O.A.NO. 945 OF 2003**

O.A.NO. 25-04-2005.

Heard Mr. N.R. Rourtray, Learned Counsel appearing for the Applicant, Mr. P.C.Rath, Learned counsel appearing for the Respondents/Railways and perused the materials placed on record.

Applicant, Sri Krushna Barik, S/o. Acchhut Barik faced transfer from Gorakhnath (construction) wing to the Open line of Sambalpur vide transfer order under Annexure-A/1, dated 03.11.1003. By filing a Memorandum dated 07-03-2005 along with the Office order dated 13.08.2004 of the Deputy Chief Personnel Officer (Con.) of E. Co. Railways, it has been disclosed by the Respondents that during the pendency of this O.A. u/s.19 of the Administrative Tribunals Act, 1985, the Railway Administration reviewed the matter and drew a fresh list of surplus staff; wherein the name of the Applicant has not appeared. From this it appears that the Applicant was not a surplus staff at Gorakhnath (Constructin) Wing *and,* yet, on that ground he was asked to face the transfer to Sambalpur. It has also been disclosed in the Memorandum dated 07.05.2005 that the impugned order under Annexure-A/1 has already been withdrawn by the Railway Administration and the Applicant is continuing at his



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previous Wing in which he was working prior to filing of the present Original Application. It has been prayed by the Respondents not to proceed with this case; since by the order dated 13-08.2004 of the Deputy Divisional Personnel Officer,(Construction) of E.Co. Railways, Bhubaneswar, the impugned transfer order has been cancelled.

Having heard counsel for both sides, this Original Application is disposed of as infructuous; because the impugned transfer order has already been cancelled/withdrawn. No costs.

*J. Chaity*  
25/04/05  
MEMBER(JUDICIAL)

*Copy of order  
dt. 25/4/05 issued  
to the counsel for  
both side.*

*S.O.*

*Dy  
11/5/05*