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O.A.No. 488 of 2006

Order dated 01-08-2006.

Being aggrieved by the order of transfer from Cuttack to Sambalpur under Annexure-A/8 dated 30-05-2006 she has approached this Tribunal in the present Original Application filed under section 19 of the Administrative Tribunals Act, 1985. By filing counter, the Respondents have disclosed that due to completion of the project work some of the employees, like the Applicant, working in the project, having been declared surplus, it was decided to post them where the work/posts are available. Accordingly, the competent authorities of the Railways ordered to shift the Applicant from Cuttack to Sambalpur and the Applicant was relieved to join in her new place of posting. However, it has been disclosed by the Respondents/Railways that in the meantime considering the plight of the Applicant the said order of transfer to Sambalpur has been modified in allowing the Applicant to work under Deputy CE/Con./BBSR under Annexure-R/3 dated 29-06-2006. They have, therefore, prayed that as the order of transfer which is the subject matter of challenge in this OA has already been

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modified and the Applicant has been posted under the Dy. CE (C), Bhubaneswar this Original Application is liable to be dismissed.

Heard Learned Counsel appearing for the parties and perused the materials placed on record. Learned counsel appearing for the Applicant has submitted that the Applicant being a lady class IV employee it would cause great hardship to her in case she is disturbed from Cuttack and since there are vacancies at Cuttack, the Respondents may be directed to adjust the Applicant against one of the class IV posts available at Cuttack.

Having heard the Learned counsel appearing for both sides, I am of the view that as the impugned order under Annexure-A/8 has been modified in posting the Applicant under the Dy. CE (C)/BBSR, there remains nothing in this OA to be adjudicated. This Tribunal is not the Appellate Authority to decide where who should be posted more-so when it is the specific case of the Respondents that there being no post available at Cuttack, the Applicant was transferred to another place. In this view of the matter, this OA stands dismissed as

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infructuous. However, if the Applicant makes any representation, dismissal of this Original Application would not stand on the way of the Respondents to consider the same.

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MEMBER (ADMN.)

