

CORAM:

THE HON'BLE SHRI M.R.MOHANTY, VICE-CHAIRMAN

ORDER DATED 08.03.2010

1. Applicant came to be posted as Registrar of Cuttack Bench of Central Administrative Tribunal (on deputation from Ministry of Defence of Govt. of India) and joined as such on 01.02.2008. Parent Department of Applicant called for his willingness (on 12.02.2009) to repatriate back (from the Tribunal) in order to avail promotion in his parent organization and Applicant submitted his willingness (on 12.02.2009) and, in the said premises, a notification was circulated (on 06/16.03.2009) inviting applications for the anticipated vacant post of Registrar of CAT/Cuttack Bench. He faced order (of transfer) dated 16.04.2009) transferring him from CAT Cuttack Bench to CAT/Ahmedbad Bench. He submitted a representation on 17.04.2009. His parent Department, on 20.04.2009, wrote a letter for repatriation of the Applicant. With the above averments, the Applicant approached this Tribunal with the present Original Application filed (on 22.04.2009) under Section 19 of the Administrative Tribunals Act, 1985 in which he challenged the order of his Transfer.

2. When this matter came up before the Division Bench, on 24.04.2009, the Hon'ble Member Judicial and the Hon'ble Member

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(Admn.) took divergent views on a very preliminary point and, as such, the matter was sent to the Principal Bench of this Tribunal to be placed before the Hon'ble Chairman.

3. In the mean time, the Applicant, being relieved from CAT/Cuttack Bench, joined at CAT/Ahmedbad Bench and, upon being repatriated to his parent Department, has left the establishment of Central Administrative Tribunal.

4. By a communication dated 02.03.2010 from the CAT/Principal Bench, following instructions were received at Cuttack Bench:-

Subject: Constitution of Bench in
O.A.NO.164/2009 – Cuttack Behch (A.P.Mund
versus Union of India & Ors.) – regarding:
Sir,

I am directed to refer to your letter No.2021 dated 24.04.2009 on the subject mentioned above and to say that Hon'ble Chairman has been pleased to direct that O.A.No.164/09 (Cuttack Bench) may be listed before on'ble Shri Manoranjan Mohanty, Vice-Chairman, C.A.T. Jabalpur Bench in the week commencing from 08.02.2010.

It is, therefore, requested to take the necessary action at your end.

5. In the above premises, this matter was listed before me.
6. To-day, at the outset, Mr.G.Rath, learned counsel for the Applicant (in presence of Shri U.B.Mohapatra, learned Senior Standing Counsel for Government of India) stated that since the Applicant has already left the

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Establishment of Central Administrative Tribunal, this case has become
infruitless.

7. In the aforesaid premises, this case is dismissed for having become
infruitless.

Mohanty
08/03/2010

(M.R.MOHANTY)
VICE-CHAIRMAN