

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. R.A. 16 of 1999
(M.A. 372/96 with
O.A. 1078/1996)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

SOMAI HEMBRAM

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. B.K.P. Karan, counsel

For the respondents : Mrs. U. Sanyal, counsel
(Present at the time of hearing of the O.A.)

DISPOSED OF BY CIRCULATION

Date of order : 28/11/2000

O R D E R

This review application has been filed by the petitioner of the O.A. praying for review and recall of the order dated 10.11.98 passed in the aforesaid O.A. and M.A. In the O.A., the petitioner, Somai Hembram has challenged his transfer order dated 21.8.96 which was alleged to have been served on him a few months before his retirement. He has also challenged his suspension order dated 21.8.1996 for his alleged non-compliance of the transfer order.

2. On 19.12.96 an interim order was issued staying the transfer order. Subsequently, the applicant retired from service w.e.f. 31.1.97. Meanwhile the applicant also filed M.A. 372 of 1996 wherein he prayed for a direction upon the

respondents restraining them from effecting the transfer as also for granting subsistence allowance.

3. On 10.11.98 both the M.A. and the O.A. came up for hearing when it was pointed out that the applicant had retired from service. Accordingly, it was held by this Tribunal that the application had become infructuous and accordingly both the M.A. and the O.A. were disposed of. This order was passed in presence of learned counsel for both the parties. In the present review application, it is submitted by the applicant that his counsel though present on that date could not hear the order dictated in the court and made his submission for full hearing of the case. He has, therefore, prayed for review and recall of the aforesaid order. It further appears that prior to this, the applicant also filed another M.A. bearing No.230 of 99 in which he has prayed for similar relief. Although the applicant has stated to have filed one MA No.539/97, but no copy of such MA is available on record.

4. I have considered the matter carefully. In the O.A. the applicant only prayed for cancellation of his transfer order and the suspension order, in view of his retirement from service, The aforesaid orders became invalid and therefore, it was held that the application had become infructuous and on that ground both the O.A. and the M.A. were disposed of.

5. If the applicant had any other grievance about non-payment of his retiral dues due to pendency of a disciplinary

proceeding as stated in this review application, he cannot get relief by rehearing of the O.A. For that purpose, he will be at liberty to file a fresh application.

6. Accordingly, this R.A. does not require any consideration and it is disposed of by circulation.

(D. PURKAYASTHA)
MEMBER(J)