

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No. 247 of 1997.
Jodhpur, the 22nd October, 1997.

R.S.Rathore S/o Shri G.S.Rathore, Aged about 32 years, R/o 170 Near Gandhi Moorthi, Gandhi Colony, Baldev Nagar, Jodhpur. Presently working as Office Superintendent in the office of Sports Authority of India Training Centre, Barkatula Khan Stadium, Jodhpur.

.....Applicant

Versus

1. Union of India through Secretary Ministry of Sports, New Delhi.
2. Director General, Sports Authority of India, Jawaharlal Nehru Stadium, Lodhi Road Complex, New Delhi-3.
3. Regional Director (N.S.W.C.) Sports Complex, Sector 15, Gandhi Nagar, Gujarat.
4. Assistant Director, Sports Authority of India, Training Centre, Centre, Barkatulakhan Stadium, Jodhpur.

.....Respondent

.....

CORAM :

HONOURABLE MR.A.K.MISRA, JUDICIAL MEMBER.

.....

For the Applicant
For the Respondents

.....Mr.S.K.Mali
.....Mr.Kamal Joshi

.....

BY THE COURT :

The applicant has filed this O.A. challenging the Transfer order dated 6.6.1997 (Annex.A/1) and has prayed that the same be quashed.

2. In reply to the Notices issued to the respondents, the respondents submitted their reply justifying the transfer of the applicant on various grounds enumerated in the reply and prayed that the O.A. be rejected.

3. Subsequently, the applicant filed a M.A. (M.A.No. 161/1997), in which it is alleged that respondent No. 3 was requested by the Dy. Director (P) vide its letter dated 8.8.1997 (Annex.A/1 in M.A.) to

for

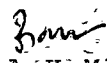
9

withdraw the transfer order of the applicant and consequent to this, respondent No. 3 had withdrawn the order of transfer vide its Office Order No. 304 dated 22.9.1997 (Annex.A/12). The learned counsel for the respondents has also admitted that order dated 22.9.1997 (Annex.A/12) having been passed by the respondent authorities which has been taken on record by accepting the M.A.No. 161/1997.

4. The learned counsel for the applicant submits that the O.A. be disposed of as not pressed, whereas, the learned counsel for the respondents submits that O.A. has now become infructuous and it should be dismissed with the observation that respondents are at liberty to pass fresh orders of transfer as and when there are administrative exigencies. This submission of the learned counsel for the respondents is opposed by the learned counsel for the applicant.

5. I have considered the arguments of both the sides on this point. As an employer, the rights of the respondents to transfer their subordinates are well defined and they are free to pass appropriate orders as and when need arises, hence, no specific order granting the liberty, is required to be passed in the instant case.

6. In my opinion, in view of the transfer cancellation order dated 22.9.1997, Annex.A/12, the Original Application has become infructuous and deserves to be dismissed. The O.A. is, therefore, accordingly dismissed. The parties are left to bear their own costs.


(A.K.MISRA)
Judicial Member

.....

mehta