

1/9

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application No.115/2010

Date of decision: 29.07.2010

Hon'ble Mr. Justice Syed Md Mahfooz Alam, Judicial Member.

Arvind Sen Malhotra, S/o shri Bhim Sen Malhotra, aged about 50 years, resident of Qtr No. 4 type II GPRA Colony, Sagar Road, Bikaner, at present employed on the post of UDC in the office of Executive Engineer, Central Division CPWD, Sagar Road, Bikaner.

: applicant.

Rep. By Mr. J.K. Mishra & A.K. Kaushik,: Counsel for the applicant.

Versus

1. Union of India through Secretary to the Government of India, Ministry of Urban Development, Central Public Works Department, Nirman Bhawan, New Delhi.
2. Superintending Engineer (Circle Coordination), Central Public Works Department, Nirman Bhawan, New Delhi.
3. Superintending Engineer (Civil) Jodhpur Central Circle CPWD, Nirman Bhawan, 3 West Patel Nagar, Circuit house, Road, Jodhpur.

: Respondents.

Rep. By Mr. M. Godara, proxy counsel
For Mr Vinit Mathur: Counsel for the respondents.

ORDER (oral)

Per Mr. Justice S.M.M. Alam, Judicial Member.

This application has been preferred by applicant Shri Arvind Sen Malhotra, seeking following reliefs:

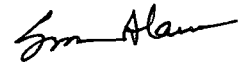
- "
- (i) That impugned order dated 31.03.2010 (annex. A-1) and order dated 16.04.2010 (annex. A/2) may be declared illegal and the same may be quashed. The respondents may be directed to allow all consequential benefits to the applicant.
 - (ii) That the respondents may be directed to produce the relevant records/file containing noting leading to decision to pass the impugned order at the time of hearing of this case for perusal by this Hon'ble Tribunal so as to unfold the true facts.

- (iii) That any other direction, or orders may be passed in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.
- (iv) That the costs of this application may be awarded.

2. The case of the applicant in brief is that the applicant was initially appointed to the post of LDC on 15.12.1983. He was promoted to the post of UDC in the year 1994. In July 1996, the applicant was transferred from Bikaner to Jaisalmer. Again in December 2003, he was transferred to Bikaner Central Division. In the month of February 2010, the Executive Engineer, Bikaner Central Division submitted information to the Head Office about longest stay of employees at the station and although the stay of the applicant at Bikaner Central Division was not longest he was transferred from Bikaner Central Division to Circle Office, Jodhpur (Planning Branch) vide order dated 31.03.2010. The said order of transfer (annex. A/1) is under challenge. It is further stated that the applicant filed representation against the order of transfer, but the same was also rejected on 16.04.2010, which gave rise to the cause of action for filing this application.

3. During the hearing of the matter the respondents counsel informed the court that the impugned order of transfer has already been withdrawn by the department and as such this application has become infructuous. On query made by the Bench, the learned counsel of the applicant conceded that the impugned order has already been withdrawn by the respondents.

4. Considering the submissions of both sides, I am of the view that since the order of transfer (impugned order) has already been withdrawn by the respondents as such no cause of action continue to exist. In such view of the matter, I find and hold that this application has become infructuous and the same is hereby dismissed as being infructuous.



[Justice S.M.M.Alam]
Judicial Member.

दिनांक 17/11/65
प्रेमि उपस्थिति में 11/11/65
को पत्र-11 व 12 पत्र दिनांक 11/11/65

अध्यापक अधिकारी
केन्द्रीय प्रशासनिक विभाग
जोसपुर न्यायमठ, जोसपुर

11/11