

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application No. 125/2010

Date of decision: 09.03.2011

CORAM: HON'BLE MR. JUSTICE S.M.M. ALAM, MEMBER (J) &

A.K. Gupta, aged 43 years s/o Sh. S.N. Gupta, R/o 25, II-D, J.N. Vyas Colony, Bikaner, presently posted as Executive Engineer (Construction) North Western Railway, Bikaner.

..... Applicant

Rep. by Mr. A.K. Choudhary, Counsel for the applicant.

Versus

1. Union of India through General Manager N.W., Railway, Jaipur.
2. Director (Establishment), Railway Board, Raisina Road, New Delhi.
3. General Manager, (P), North Western Railway Headquarter Officer, Opposite Railway Hospital, Hassanpura, Jaipur.

..... Respondents

Rep. by Mr. Salil Trivedy, counsel for the respondents.

ORDER
Per Mr. Justice S.M.M. Alam , Member (Judicial)

Heard the learned counsels for both the parties on the point of admission.

2. Applicant, Sh. A.K. Gupta, who was posted as Executive Engineer (Construction), North Western Railway, Bikaner has preferred this Original Application for grant of relief to the effect that the impugned order dated 11.2.2010 (Annexure A/1), and consequential order dated 2.3.2010 (Annexure A/2), whereby the applicant has been transferred to the Eastern Railway for a period of 2 years be quashed and set aside.

3. The learned Advocate Sh. A.K. Choudhary, appearing for the applicant, during the course of arguments, drew my attention towards Rule 226 of the Indian Railways Establishment Code Vo. I, which lays down policy about the transfer of its employees. He submitted that as per this Rule ordinarily a Railway servant shall be employed through out his service on the Railways or Railways establishment to which he is posted on his first appointment. However, later part of this rules permits that a Railway employee can be transferred to any other department of Railways/Establishment with the assent of the President. The learned Advocate of the applicant further submitted that the transfer order has caused much inconvenience to the applicant as his wife is seriously ill and she is under treatment at Institute of Liver and Biliary Sciences, New Delhi. He further submitted that the applicant's elder son is going to appear in Board's Examination and due to applicant's transfer his career will be doomed. On the above mentioned grounds, the learned Advocate prayed to cancel the transfer order. However, the learned Advocate conceded that the applicant has already joined at his new place of posting as per the transfer order.

4. The Learned Advocate appearing for the respondents submitted that the orders of transfer have already been complied with as the applicant has joined at his new place of posting and so on this ground alone the cause of action does not survive.

5. Considering the arguments of both the sides, I am of the view that since the orders have already been executed and in compliance of the order of transfer the applicant has already joined at his new place of posting, as such, the cause of action does not survive to the applicant as on today. In such view of the matter, I am of the opinion

that this O.A. has become infructuous and accordingly the same stands dismissed at the stage of admission itself. No costs.

S.M.M. Alam
[JUSTICE S.M.M. ALAM]
MEMBER (J)

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दिनांक 21/4/16 के आदेशानुसार
मैरी लघुसंस्थाति में दिनांक 9/4/16
को भाग-II व भाग-III विलग गए।

अनुभाग अधिकारी
केन्द्रीय प्रशासनिक अधिकरण
जोधपुर न्यायपीठ, जोधपुर