

In the Central Administrative Tribunal
Calcutta Bench

OA No.324 of 1997

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

Achyuta Bhattacharya

.... Applicant

- V E R S U S -

1. Union of India through the Secretary to the Govt. of India, Ministry of Defence, New Delhi.
2. Engineer-in-Chief, Military Engineer Services, New Delhi-11.
3. Chief Engineer, Head Quarters, Eastern Command, Engineer Branch, Fort William, Calcutta-21.
4. Garrison Engineer(Central), Calcutta, Military Engineer Service, T/37, Nappair Road, P.O. Hastings, Calcutta-22.

.... Respondents

For the Applicant : Mr. S.K. Dutta, Ld. Advocate

For the Respondents: Mr. S.P. Kar, Ld. Advocate

Heard on : 12-6-98

Date of Judgement : 12-6-98

O R D E R

When the case is taken up for admission, Ld. Advocate Mr. Dutta, on behalf of the applicant, submits that the applicant is due to be retired from service on superannuation in the year of 2006. Due to pendency of this case in respect of transfer of the applicant from Calcutta to Shillong, the applicant has sought for voluntary retirement from service on the ground of illness of his wife. So, he is unable to proceed to Shillong. Ld. Advocate Mr. Kar, appearing on behalf of the respondents, submits that the impugned order of transfer dated 31.12.96 has been cancelled and application has become infructuous.

Contd.....

2. In view of the aforesaid circumstances, I find that the said impugned order of transfer has been cancelled vide letter dated 26.4.1997 and thereby application, challenging the validity of the said order has become infructuous. In view of the aforesaid circumstances, the applicant may make a fresh representation to the competent authority on the basis of the voluntary retirement as sought for, for getting appropriate relief. I hope, since applicant has exercised voluntary retirement from service on the ground of illness, respondents should consider his case sympathetically. Accordingly, application is disposed of. Copy of the application filed by the applicant on 25.3.97 may be kept in record after duly attested by the Lt. Advocate of the applicant.

(D. Purkayastha)
Member(J)

✓ 16/98