

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.208/04

Friday this the 25th day of June 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

G.D.Ashok Kumar,
S/o.G.Durairaj,
Pharmacist Grade I,
Southern Railway,
Sub Divisional Hospital,
Shornur.

Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by
the General Manager, Southern Railway,
Headquarters Office, Park Town P.O.,
Chennai - 3.
2. The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.
3. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
4. The Senior Divisional Accounts Officer,
Southern Railway, Palghat Division,
Palghat.

Respondents

(By Advocate Mr.Thomas Mathew Nellimootttil)

This application having been heard on 25th June 2004 the
Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The grievance of the applicant in this application is that although he was transferred from Salem to Shornur in January 2001 he has not yet been given the transfer grant, although it is seen from Annexure A-4 that a sum of Rs.5750/- was drawn on this account. His representation in that regard has not been considered and disposed of. Therefore, he has filed this application for a declaration that the non-feasance on the part

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of the respondents to grant the applicant the Composite Transfer Grant (Transfer and Packing Allowance) in connection with his transfer from Palghat to Shornur as per Annexure A-1 is arbitrary, discriminatory, contrary to law and unconstitutional and for a direction to the respondents to pay the applicant the Composite Transfer Grant for his transfer from Palghat to Shornur.

2. The respondents have stated that the applicant did not prefer the claim in the prescribed format, that when the proper claim was received after expiry of six months from the transfer the divisional authority did not have the power to grant it and that the matter having been taken up with the competent authority a sum of Rs.6050/- has already been paid to the applicant by pay order dated 12.5.2004. The respondents contend that as the relief has already been granted to the applicant the original application has become infructuous.

3. It is not disputed that the transfer grant of Rs.6050/- has since been paid to the applicant. The delay in disbursement was not solely on account of the lapses of the respondents but the applicant too was responsible for it as he did not prefer the claim in proper format within time. Now that ~~payment~~ has already been made to the applicant nothing survives in this O.A.

4. In the result the O.A. is closed as infructuous. No costs.

(Dated the 25th day of June 2004)


A.V. HARIDASAN
VICE ~~CHAIRMAN~~ CHAIRMAN

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