

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. No. 468/2003

Lucknow this the 23rd day of April, 2004.

HON. SHRI M.L. SAHNI, MEMBER(J)

A.K. Sinha, aged about 54 years, son of late K.N. Sinha, resident of 2043/4, Indira Nagar, Lucknow.

Applicant.

By Advocate Shri Rajiv Srivastava.

versus

1. Union of India through its Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. Finance Advisor and Chief Accounts Officer, Northern Railways, Baroda House New Delhi.
3. Senior Divisional Financial Manager/Senior Accounts Officer, Northern Railway, Hazratganj, Lucknow.

Respondents

By Advocate Shri N.K. Agrawal.

O R D E R (ORAL)

The applicant ^(a) A.K. Sinha has challenged the order dated 22.8.03 issued by respondent No. 3 whereby he has been transferred as C.O.-6 Clerk Establishment section. He has, accordingly, requested that the impugned order (Annexure -1) has been prepared including his name alongwith those who are junior to him but his name has been excluded from rotational transfer on honorarium posts. By this O.A he has desired directions to be issued to the respondents to issue fresh orders for rotational transfers including his name on honorarium basis.

2. The O.A. has been contested by the respondents, who filed their counter reply rebutting the allegations as made in the Original Application. The case was still at the admission stage when it was ordered that after filing of the C.A. the O.A. be listed for final hearing and accordingly, I have

@ Corrected as per Hon'ble Court order dt. 9-7-04 in m.p. (280/04) in OA 468/03.


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heard the learned counsel for the parties and have gone through the pleadings carefully.

3. The learned counsel for the applicant submitted that the order dated 22.8.03 which was assailed earlier in O.A. 434/03 since already stands quashed and therefore, the prayer as made by the applicant vide the present O.A. stands fully statisfied. The learned counsel for the respondents has conceded that in view of the order dated 3.3.04, passed by this Tribunal in O.A. 434/03 and O.A. 409/03, certified copy of which has been filed on the record, no further orders in this O.A. are required to be passed. Hence, I feel satisfied that since the impugned order stands already quashed, the present O.A. is liable to be allowed in the same terms as stated in the order dated 3.3.04 passed in O.A. 434/03 and O.A. 409/03. Accordingly, allowing the O.A. I direct that the competent authority may pass fresh orders in respect of the applicant keeping in view the Railway Board Circular and seniority-cum-suitability of the applicant over a particular post in public interest in the interest of administration. No order as to costs.


(M.L. SAHNI) 23/4.6

J.M.

s.a.