

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

C.C.P. No. 50/2004

In

O.A.No. 409/03

Lucknow this the ~~10~~ day of March, 2005

HON. SHRI S.P. ARYA, MEMBER(A)

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

Arun Kumar Tripathi aged about 44 years, son of late S.D. Tripathi, residing at 21/336, Indira Nagar, Lucknow.

Petitioner

By Advocate Shri Y.S. Lohit.

Vs.

Sri Sanjeev Narain Mathur, Senior Divisional Finance Manager/Senior Divisional Accounts Officer, Northern Railway, Hazratganj, Lucknow.

Respondent.

By Advocate Shri Raj Singh for Shri A.K. Chaturvedi.

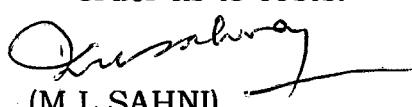
Order

By M.L. Sahni, Member (J)

1. This C.C.P. has been filed by the Original applicant Arun Kumar Tripathi of O.A. 409/03 for non-compliance of the order passed in O.A. 434/03 and O.A. 409/03 DATED 3.3.04 whereby the rotational transfer orders dated 22.8.03 (O.A. 434/03) and 5.6.03 (O.A. 409/03) so far as it related to the transfer of applicants were quashed.
2. It was provided by this Bench of the Tribunal that the competent authority would be at liberty to pass fresh orders in respect of the applicant (including the petitioner of the present C.C.P.) keeping in view the Railway Board circular and seniority and suitability of the applicant for a particular post in public interest or in the interest of administration.
3. After notice was served upon the opposite parties, named in the petition, Counter Affidavit has been filed by the opposite party, interalia stating, that incompliance of the order of the Tribunal dated 3.3.04 in respect of applicant of Original application No.

409/03, transfer order dated 5.6.03 (Annexure A-1) has been quashed vide order dated 23.7.04 (Annexure C-3 to the Counter Affidavit) and that the petitioner has been posted in the Post and Audit section of the same office keeping in view the Railway Board circulars issued from time to time as well as Northern Railway Headquarters office letter dated 23.7.04 (Annexure C-2 to the C.A.).

4. We have heard the learned counsel for the parties and have given our thoughtful consideration to the rival contentions put forward by their learned counsel.
5. On behalf of the petitioner, it has been stated that the order has not been complied with by the respondents as per directions and that to circumvent the directions they have passed the orders without caring for the instructions applicable to the case of the petitioner. He has filed a detailed Rejoinder alleging inter alia that the orders dated 23.7.04 and 24.7.04 have been passed hurriedly "in the teeth of the orders of the Tribunal" before whom the instant C.C.P. was listed for 26.7.04.
6. Having examined the directions given in the order dated 3.3.04 and the compliance report filed on behalf of the respondents ~~that~~ Annexures CA-2 and C.A.-3, we feel satisfied ~~that~~ ^{as} there is full compliance on the part of the opposite parties of the Tribunal's order and there is no substance in the allegation as made by the petitioner in this C.C.P. Finding no merit in ~~that~~ contention of the learned counsel for petitioner, we ~~hold~~ ^{find} the C.C.P. as merit-less and hence dismiss the same. Notice, if any issued shall stand discharged. No order as to costs.


(M.L.SAHNI)
Member(J)

s.a.


(S.P.ARYA)
Member(A)