

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

~~O.A. No.~~
T.A. No.

225/87

198

DATE OF DECISION 24.4.1991

Shri W.R.Shinde

Petitioner

Shri D.L.Dharmadhikari

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri S.K.Sanyal

Advocate for the Respondent(s)

CORAM

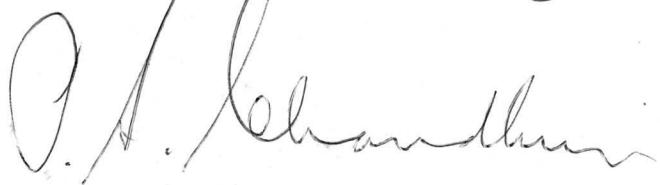
The Hon'ble Mr. P.S.Chaudhuri, Member(A),

The Hon'ble Mr. T.C.Reddy, Member(J).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Yes

Yes



(P.S.CHAUDHURI)
MEMBER(A).

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

Tr.225/87

Wamanrao Rambhau Shinde,
114, Chandralok Bldg.,
Central Avenue Road,
Nagpur - 18.

.. Applicant

vs.

1. Union of India
through
General Manager,
Central Railway,
Bombay V.T.
2. The Divisional Railway Manager,
Central Railway,
Nagpur,
3. The Divisional Personnel Officer,
Central Railway, Nagpur
and four others.

.. Respondents

Coram: Hon'ble Member(A) Shri P.S, Chaudhiri

Hon'ble Member(J) Shri T.Chandrasekhara Reddy

Appearances:

1. Mr.D.L.Dharmadhikari
Advocate for the
Applicant.
2. Mr.S.K.Sanyal
Advocate for the
Respondents.

ORAL JUDGMENT:
{Per P.S.Chaudhuri, Member(A)}

Date: 24-4-1991

This application has come to the Tribunal by way of transfer from the Bombay High Court in terms of its order dated 4-10-1986 on Writ Petition No.2015/81 which was filed before it on 20-8-1981. In it the applicant(Petitioner) who was working as Guard 'A' on Central Railway is challenging the order dated 1-7-1981 by which he is reduced to the lower post of Guard 'C' until he is found fit by the competent authority after a period of two years with effect on his seniority as also the order dtd. 4.7.1981 by which

(8)

he is transferred to Ajni.

2. When the matter was pending in the High Court the applicant obtained an interim stay and this order continued in force till today.

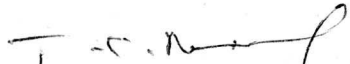
3. The respondents have opposed the transfer application by filing their written statement. We have heard Mr.D.L.Dharmadhikari learned counsel for the applicant and Mr.S.K. Sanyal, learned counsel for the respondents.


4. At the outset Mr.Sanyal files a Pursoris submitting that the impugned order of reversion was never acted upon because of the stay order and so the applicant superannuated on 31-3-1983 without suffering the effects of the order. It was further submitted that as a result the transferred application has become infructuous as the respondents have no counter claim against the applicant and that the matter may be disposed of as such.

5. Mr.Dharmadhikari submitted that the applicant apprehended that since his punishment had been upheld in appeal by order dated 31-7-1981 if the transferred application was dismissed as being infructuous the respondents might think it fit to take some action affecting the applicant's pensionary benefits. We see no merit in this apprehension. The respondents have made it clear that they have no counter claims against the applicant and we propose passing an order disposing of this transferred application

in terms of the submissions of the respondents.

6. We accordingly dispose of this application in terms of the submissions of the respondents recorded above. All interim orders passed during the pendency of this application stand vacated from today. In the circumstances of the case there will be no order as to costs.


(T.C.REDDY)
MEMBER(J)


(P.S.CHAUDHURI)
MEMBER(A).