

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH.

Original Application No.217/87

Mr.K.Sivaramakrishnan,
191 Buena Vista,
General Jagannath Bhonsle Marg,
Bombay 400 021

.. Applicant

v/s

1. The State of Maharashtra.
2. The Chief Minister,
Government of Maharashtra,
Mantralaya,
Bombay - 32.
3. The Chief Secretary to the
Government of Maharashtra
Mantralaya,
Bombay-32.
4. The Union of India through
the Secretary, Department of
Personnel and Administrative Reforms,
New Delhi-110 001. .. Respondents.

Coram: Hon'ble Vice-chairman Shri B.C.Gadgil.

Hon'ble Member(A) Shri J.G.Rajadhyaksha.

Appearances

1. The applicant in person.
2. Mr.S.M.Shah for the Resp. 1 to 3.
3. Mr.J.D.Desai (for Mr.M.I.Sethna)
for Resp.4.

ORAL JUDGEMENT
(Per Vice-chairman Shri B.C.Gadgil)

Dated: 18.6.1987.

Of the number of prayers made in this application, the most material one is about the transfer of the applicant from the post of Special Secretary to the post of Divisional Commissioner.

It was contended that the post of Divisional Commissioner is a post lower to that of Special Secretary, and that the contemplated action of the Respondents to create an ex-cadre post of Divisional Commissioner equivalent

to

contd...2

at to the post of Special Secretary would be bad.

When this matter was called out today before us, Mr. Shah for the Resp. Nos 1 to 3 produced a xerox copy of the communication dated 15.6.87 from the Chief Secretary to the applicant stating therein that the impugned order of transfer of the applicant has been cancelled and that the applicant would continue to work as Special Secretary. In our opinion, in view of the cancellation of the impugned order, the cause of action for filing an application would not survive. Of course, we must make a mention that the applicant made it clear before us that his prayer about the illegal creation of ex.cadre post of Commissioner equivalent to the post of Special Secretary may be considered. In our opinion, that aspect need not be considered in view of the fact that such transfer order of the applicant has been cancelled.

The next question would be about the order about the costs. In our opinion, the parties should be directed to bear their own costs.

O R D E R

- 1) The application is disposed of, as the cause of action does not survive.
- 2) The parties to bear their own costs.

B.C. Gadgil
(B.C. GADGIL)
Vice-Chairman

J.G. Rajadhya
(J.G. RAJADHYAKSHA)
Member(A)