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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No. 478/87.

Shri Krishan Kumar Chadha,
A/32, Kanyakumari Building,
M.V.Road, Andheri (E),
Bombay. 400 069.

... Applicant.

V/s.
Union of India & Others.

... Respondents.

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

Tribunal's Order:

Dated: 15.10.1987.

Heard Mr. Masand for the applicant and Mr. S.R. Atre (for Mr. P.M. Pradhan) for the respondents. The main dispute in this matter was the transfer order dt. 19.5.1987 under which the applicant who was working as an Assistant Income Tax Commissioner, Bombay was transferred to Amritsar. The applicant has prayed for interim reliefs of staying the said transfer order. When the question of interim relief was considered it transpired that the transfer order was already implemented and hence that prayer was rejected. The matter was however, admitted.

2. On the last date Mr. Atre for the respondents made a statement that the applicant has been prematurely retired under FR.56 J and that therefore the present application challenging the transfer order to Amritsar would not survive. To-day Mr. Atre has produced a copy of that order under Rule FR. 56 J.

3. The question is as to whether this application survives in view of the subsequent event of premature retirement of the applicant. Mr. Masand for the applicant contended that he wants a Judgment of this Tribunal with that the said transfer was mala fide. He also contended that the question as to whether the transfer order was mala fide or not would be relevant for the purpose of deciding the application which the applicant intends to

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file for challenging his pre-mature retirement under Rule 56 J. In my opinion, in the background of the prematured retirement of the applicant and in the background that the applicant had already been relieved of his posting at Bombay and has taken charge at Amritsar, it is not necessary to keep this matter pending. In fact the ~~applicant~~ challenging the transfer order would not survive on account of the above named subsequent event. The application is therefore disposed of as not survival. Parties to bear their own costs.



B.C. Gadgil

(B.C.GADGIL)
VICE -CHAIRMAN