

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
NEW BOMBAY BENCHO.A. No. 346/88
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DATE OF DECISION 18.8.1988

Dr. L. I. Berry

Petitioner

Shri T. R. Talpade

Advocate for the Petitioner(s)

Versus

Union of India through General Manager, Central Rly. Bombay V.T. and others. RespondentMr. S. R. Atre (for Mr. P. M. Pradhan) Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B. C. Gadgil, Vice Chairman

The Hon'ble Mr.

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?

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(16) BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA No.346/88

Dr.L.I.Berry
C/o.Mr.T.R.Talpade,
Advocate, High Court,
Narottam Niwas,
308, Jawaji Dadaji Road,
Nana Chowk, Bombay-7.

Applicant

V/s.

Union of India
through
The General Manager,
Central Railway,
Bombay V.T., Bombay-1.

AND OTHERS.

Respondents

CORAM: Hon'ble Vice Chairman Shri B.C.Gadgil

Appearance :

Mr.T.R.Taplade
Advocate
for the Applicant

Mr.S.R.Atre
(for Mr.P.M.Pradhan)
Advocate
for the Respondents.

ORAL JUDGMENT

Dated: 18.8.1988

(PER: B.C.Gadgil, Vice Chairman)

This application does not now survive in view of
the following circumstances.

2. The applicant is a Medical Officer working with the Railways. He was transferred from Bombay to Solapur by order dated 12.4.1988. This transfer was challenged by filing the present application. An interim relief was prayed for staying the transfer. That relief was rejected. Subsequently, the applicant gave an application to the department on 30.4.1988 opting for a transfer to North-East Frontier Railway. A copy of this letter is produced along with the Misc.Petition that is filed today. That Misc. Petition is numbered as 482/88. On the basis of this option, the department passed an order dated 12.5.1988 transferring the applicant from Byculla to Guwahati. This order was passed in supersession of earlier transfer to

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Solapur. It is not disputed that the applicant has joined his new posting at Guwahati.

3. The applicant has today filed the above mentioned Misc. Petition for amendment of the Original Application. By the amendment he wants to challenge the transfer dated 12.5.1988 to Guwahati. I have heard Mr.T.R.Talpade for the applicant and Mr.S.R.Atre for the respondents, both on the question of amendment and also as to whether the Original Application is surviving or not. In view of the transfer to Guwahati, the original order dated 12.4.1988 (by which the applicant was transferred to Solapur) does not survive. As far as the amendment application is concerned, I think that it would be in the fitness of things if the applicant, if he so chooses, files a separate application challenging the transfer to Guwahati. It is true that Mr. Talpade submitted that the challenge to the transfer to Guwahati will be based upon the earlier transfer to Solapur. However, that will not make any difference. All that I should say is that the applicant would be entitled to take all the necessary pleas in the fresh application that he may file.

4. With these observations Misc. Petition stands dismissed and Original Application No. 346/88 is disposed of as not surviving. Parties to bear their own costs of the application.

B.C.Gadgil

(B.C.Gadgil)
Vice Chairman