

(7)

CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXX~~

NEW BOMBAY BENCH

O.A. No. 149/88

198

~~XXXXXXXXXX~~

DATE OF DECISION 12.7.88

Mr. Bhopinder Singh Petitioner

Mr. G S Wallis Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. A L Kasture Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Mr. xxxxxxxxxxxx

1. Whether Reporters of local papers may be allowed to see the Judgement? - *yes*
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?

*Bly*

*no*

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY-400614

O.A. No. 149/88

Mr. Bhopinder Singh  
C/o. Mr. G.S. Walia  
89/10 Western Railway  
Employees Colony  
Matunga Road  
Bombay 400019

Applicant

V/s.

1. Union of India through  
General Manager Western Rly.,  
Churchgate, Bombay 20
2. Railway Board served through  
Secretary, Railway Board,  
Rail Bhavan, New Delhi
3. General Manager  
Western Railway  
Churchgate, Bombay-20

Respondents

Coram : Hon'ble Vice Chairman B C Gadgil

Appearance:

Mr. G.S. Walia  
Advocate  
for the applicant

Mr. A L Kasture  
Advocate  
for the respondents

ORAL JUDGMENT  
(PER: B C Gadgil, Vice Chairman)

DATED: 12.7.1988

Heard Mr. Walia, Advocate for the Applicant and  
Mr. Kasture, Advocate for the respondents.

2. The applicant was working as Chief-Claims Officer,  
Western Railway, Churchgate. By the impugned order dated  
9.2.1988 (Exhibit C), the applicant was transferred to  
North-Eastern Railway and posted as Officiating Chief


*Bel*

Passenger Traffic Superintendent. After the application was filed the Tribunal has passed an order on 22.2.1988 that the impugned order of transfer should be stayed in case the applicant was not relieved. The status quo of this order was continued from time to time. The matter is to day fixed for admission.

3. Mr. Kasture for the respondents produced before me a copy of the order dated 6.7.88 whereunder the impugned transfer order was cancelled. Mr. Walia made a grievance that this cancellation is a sort of camouflage in as much as the same day the department has passed an order for premature retirement.

4. In my opinion this contention need not be considered in the present application. All that is material to see is as to whether the impugned transfer order is in force so that the Tribunal <sup>can</sup> give a decision as to whether that transfer <sup>is</sup> needs to be quashed. As the said transfer order has been cancelled the cause for the application does not survive and hence the application is disposed of as cause not surviving.

Parties to bear their own costs of the application.

  
( B C Gadgil )  
Vice Chairman