

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

Transferred Application No.358 of 1986.

Shri L.Y. Govarikar,
16B, Somwar Peth,
Pune - 411 011.

... Applicant
(Original Plaintiff)

V/s.

1) Union of India, through
The Secretary,
Ministry of Railways,
New Delhi.

2) The General Manager,
Central Railways,
Bombay V.T.,
Bombay - 400 001.

... Respondents
(Original Defendants)

Ceram: Hon'ble Member(A), J.G.Rajadhyaksha

Hon'ble Member(J), M.B.Mujumdar

Appearance:

1. Mr. S.R.Shinde
Advocate for the
applicant.
2. Mr. D.P.Lohokare,
Office Supt.,
for the respondents.

ORAL JUDGMENT

Date: 09-02-1987

(Per M.B.Mujumdar, Member(J))

The applicant had filed Regular Civil Suit No.125/85 in the Court of the 5th Joint Judge, Sr. Division, Pune for a permanent Injunction restraining the respondents from giving effect to an order dt. 10-10-84 by which the applicant was transferred to work as Chief Booking Supervisor(Returns) in the Office of the Central Railway at Pune. The suit has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

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It appears that by an order dt. 1.9.84 the applicant was transferred from the post of Chief Goods Supervisor at Pune to Lonavala as Sr. Commercial Inspector. He challenged that order by filing Regular Civil Suit No.1604/84. In that suit he had obtained an ex-parte stay order against the transfer, but the transfer order was subsequently cancelled. On the request of the respondents stay was vacated on 19-10-84. However, again by an order dtd. 10-10-84 the applicant was transferred as Chief Booking Supervisor(Returns) at Pune itself. He challenged that order also by filing Regular Civil Suit No.125/85

It was the grievance of the applicant that by his transfer he was required to work under one of his juniors and he should have been transferred either as Chief Booking Supervisor(General) or as Chief Goods Supervisor(General).

We may point out that on 10th March '86 by another order, the applicant was actually transferred as Chief Booking Supervisor(General) and while he was holding that post he has retired w.e.f. 1-8-86, on superannuation.

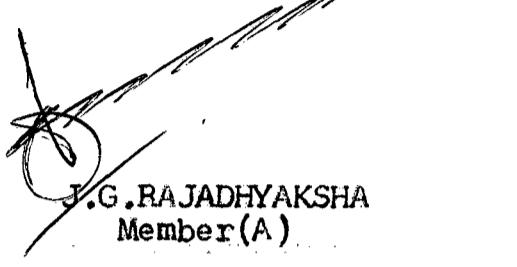
We have today heard the applicant in person and his learned Advocate Mr. S.R.Shinde. The applicant's grievance now appears to be an imaginary one. He stated before us that he has not suffered any monetary loss due to his transfer. Neither his pay nor his rank was reduced. Moreover the cause of action for the suit now does not survive because of the applicant's

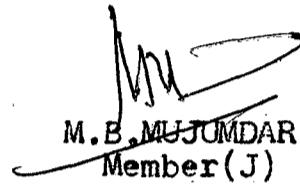
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retirement on superannuation.

We, therefore, dismiss the application
(Original Plaintiff) with no orders as to costs.


J.G. RAJADHYAKSHA
Member(A)


M.B. MUJUMDAR
Member(J)

jkk/-