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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

O.A.121/89

Shri Pralhad Namdeo Vispute,  
Railway Quarter No.RB-II 629 C,  
Near Railway Hospital,  
MANMAD

.. Applicant

vs.

1. Union of India through  
General Manager,  
Central Railway,  
Bombay V.T.
2. Divisional Railway Manager,  
Central Railway,  
Bhusawal.

.. Respondents

Coram: Hon'ble Member(J)Shri M.B.Mujumdar  
Hon'ble Member(A)Shri M.Y.Priolkar

Appearances:

1. Shri D.V.Gangal  
Advocate  
for the applicant.
2. Shri J.G.Sawant,  
Advocate for the  
Respondents.

Oral Judgment:  
(Per M.B.Mujumdar, Member(J))

Date: 30.3.1989

Heard Shri D.V.Gangal for the applicant and Shri J.G.Sawant for the respondents. By order dtd. 3.11.1988 the applicant was transferred from Manmad to Nandgaon as Chief Booking Clerk. From 19.11.1988 to 3.2.1989 he was on sick list. On 25.1.1989 the applicant filed this application challenging his transfer. By order dtd. 6.2.1989 the transfer was stayed. According to the applicant he got the stay order on 7.2.1989 and went to Manmad Railway Station to join his previous post as Chief Booking Clerk. He was not allowed to join. On the next day i.e. on 9.2.1989 he was asked to meet the DRM at Bhusawal who has passed the order. On the next day i.e. on 10.2.1989 he saw the DRM. By order

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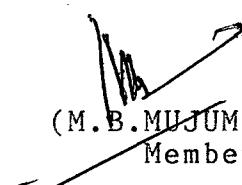
dtd. 28.2.1989 he was allowed to join at Manmad as Chief Booking Clerk. On 21.3.1989 the applicant has filed Contempt Petition No.12/89 for taking action against the respondents for breach of order of this Tribunal dt.6.2.1989.

2. Shri Sawant, learned advocate for the respondents, submitted that the applicant was struck off from the muster roll of the Manmad Railway Station on 31.12.1988 but as mentioned in our order the applicant was in sick list from 19.11.1988 to 3.2.1989. Moreover if we would have been informed about this position on 6.2.1989 we might not have passed this order because in that case there was no question of staying the transfer order. However, the applicant is working as Chief Booking Clerk at Manmad Railway Station from 3.3.1989 in pursuance of the orders dtd. 28.2.1989. Shri Gangal stated that if the applicant is given his salary and allowances for the period from 10.2.1989 (that is the date on which he saw the DPO) till 2.3.1989, the applicant will have no grievance. Shri Gangal also stated that he will also apply for leave which is due to him from 4.2.1989 to 9.2.1989 (both days inclusive), Hence we direct that the respondents shall pay arrears due to the applicant for the period from 10.2.1989 to 2.3.1989 within one month from today. The applicant to apply for leave which may be due to him for the period 4.2.1989 to 9.2.1989. Contempt Petition No.12/89 is disposed of.

3. Lastly after hearing the advocates we find no reason to keep this application pending.

The impugned order of transfer dtd. 3.11.1988 was passed without approval of the General Manager, that is why we had stayed it by our order dtd. 6.2.1989. For the same reason we quash and set aside that order and dispose of this application with no order as to costs. As regards prayer (a) and (d) the applicant is allowed to withdraw the application with liberty to file a fresh application in respect of the same subject matter.

  
(M.Y.PRIOLKAR)  
Member(A)

  
(M.B.MUJUMDAR)  
Member(J)