

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAIA BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 565/2001

THURSDAY, THE 05TH DAY OF DECEMBER, 2002

CORAM:  
HON'BLE SMT. LAKSHMI SWAMINATHAN. VICE CHAIRMAN (J)

Shri V.P. Sonar,  
Chargeman Gr.- II/  
Case Shop, At Renuka Nagar,  
Post Varangaon, Taluka  
Bhusaval, Dist. Jalgaon. .. Applicant

None for the applicant

Versus

1. General Manager,  
Ordnance Factory, Varangaon,  
Tal-Bhusaval, Dist- Jalgaon.
2. The Secretary (Section A/NG)  
Ordnance Factory Board,  
Kolkata-700 001.
3. General Manager,  
Ordnance Factory, Katni.
4. Union of India,  
through the Secretary,  
Ministry of Defence,  
New CGO Building,  
Marine Lines, Mumbai. ... Respondents.

By Advocate Shri R.R. Shetty.

O R D E R

None has appeared for the applicant even though the case has been listed at item No.5 on regular hearing matter (Serial No. 22) under the caption " matters will be heard serially and no adjournments will be granted" in the daily cause list. It is relevant to note that the application had been earlier dismissed vide Tribunal's order dated 30.9.2002 for default and non appearance. That order was recalled by the order dated

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31.10.2002 in which it had been noted, inter alia, that learned counsel for applicant states that he was busy in the High Court and he could not reach the Tribunal, which cannot be treated as sufficient cause for non-appearance.

2. When the case was taken up for hearing today, Shri R.R. Shetty learned counsel for respondents submits that the applicant's counsel is unable to be present as he is busy in the Hon'ble High Court. If that was the position, it is needless to say that the applicant should have made alternative arrangements or the learned counsel for applicant should have been in a position to do so.

3. In view of the above facts and circumstances of the case, though the OA can be dismissed for default again, the OA is being disposed of under the provisions of Rule 15 of CAT (Procedure) Rules, 1987.

4. I have perused the pleadings and heard the learned counsel for respondents. In this application, the applicant has sought a prayer to quash and set aside the respondents order dated 29.6.2001 transferring him from Ordnance Factory, Varangaon to Ordnance Factory, Katni with all consequential benefits. It is noted that there is no interim order in this case. Further, the learned counsel for respondents has submitted that the

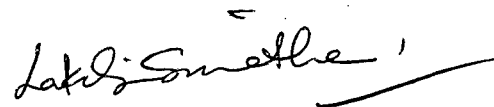
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...3.

applicant has in fact carried out the aforesaid transfer order and joined the Ordnance Factory, Katni on 25.9.2001. This fact has already been stated by the respondents in the reply affidavit filed on 01.11.2001 wherein they have submitted that the applicant, pursuant to the issue of their order dated 29.6.2001 has been relieved from duty on 30.6.2001 and has joined OFKAT on 25.9.2001. Therefore, the transfer order under challenge has already been implemented. It is relevant to note that the applicant has not controverted these

● *13/* facts

5. In the facts and circumstances of the case, there is no merit in this application, apart from the fact that the application has also become infructuous. In this view of the matter, the OA is dismissed. No order as to costs.

  
(SMT. LAKSHMI SWAMINATHAN)  
VICE CHAIRMAN (J)

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