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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY
CAMP AT NAGPUR

Original Application No. 63/91

Shri B.R. Bhagwat.

... Applicant.

V/s.

Union
Divisional Railway Manager,
Central Railway. and 4 others.

... Respondents

CORAM: Hon'ble Member (A), Shri P.S. Chaudhuri
Hon'ble Member (J), Shri T.C. Reddy.

Appearances:

Applicant by Shri R.V. Patil
Respondents by Ms. Indira Bodade.

Oral Judgment:

(Per Shri P.S. Chaudhuri, Member(A))

Dated: 25.4.1991

This application under section 19 of the Administrative Tribunals Act, 1985 was filed on 8.1.1991. In it the applicant who is working as Senior Catering Inspector, Nagpur, Central Railway is challenging the order dt. 4.9.1990 by which he is transferred to Bombay and the fourth respondent is posted vice him. The applicant has also sought a direction that he be retained in Nagpur till his retirement.

2. We have heard Mr. R.V. Patil, learned counsel for the applicant and Ms. Indira Bodade, learned counsel for the respondents.

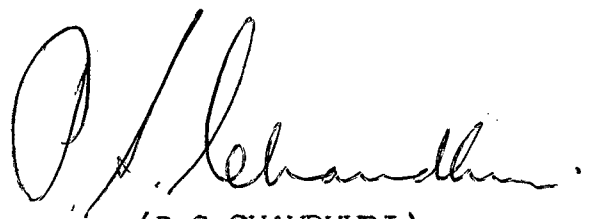
3. At the outset Ms. Bodade submits that the second prayer is not tenable under the provisions of the Administrative Tribunals Act. She submits that there must first be an order by which the applicant is aggrieved before he can make an application. A request to be retained at a particular station does not come within the purview of this essential pre-condition. We see considerable merit in this submission and have no difficulty in holding that this prayer is not maintainable.

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4. Coming to the first prayer, Ms. Bodade submits that this prayer no longer survives as the applicant is still continuing in his post at Nagpur and the fourth respondent has since been transferred to Bombay by an order dt. 14.3.1991. Mr. Patil confirms this. In view of this position, we have no difficulty in holding that this prayer no longer survives.

5. In this view of the matter the application is disposed of at the admission stage itself as no longer surviving. In the circumstances of the case there will be no order as to costs.


(T.C. REDDY)
MEMBER (J)


(P.S. CHAUDHURI)
MEMBER (A)