

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 389/98

Date of Decision : 03.09.1998.

Gorakh Gopal Padale. Petitioner.

Shri R. C. Ravalani. Advocate for the Petitioner.

VERSUS

Union Of India & Others Respondents.

Shri V. D. Vadhavkar, Advocate for the Respondents.

CORAM :

Hon'ble Shri Justice R. G. Vaidyanatha, Vice-Chairman.

- (i) To be referred to the Reporter or not ? *W*
- (ii) Whether it needs to be circulated to *W* other Benches of the Tribunal ?

R. G. Vaidyanatha
 (R. G. VAIDYANATHA)
 VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 389/98.

Dated this Thursday, the 3rd day of September, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

Gorakh Gopal Padale,
Fitter Gr. III,
Ghorpuri Yard,
Pune.

... Applicant

Residing at -
RB-1-559, B-5,
Tadiwala Road,
Pune - 411 001.

(By Advocate Shri R.C. Ravalani)

VERSUS

1. Union Of India through
The General Manager,
Central Railway,
Mumbai C.S.T. - 400 001.
2. The Divisional Rly. Manager(P),
Central Railway,
Pune - 411 001.
3. The Deputy Mechanical
Engineer (C&W)
Central Railway,
DRM's Office, Pune 411 001.
4. The Asstt. Mechanical
Engineer (C&W),
(Shri Ravi Sudan),
DRM's Office, Central Railway,
Pune - 411 001.
5. Shri P. H. Sinha,
TXR, Ghorpuri Yard,
Central Railway,
Pune - 411 015.
6. The Senior Section Engr.(C&W),
Ghorpuri, Pune (C.Rly.)

... Respondents.

(By Advocate Shri V. D. Vadhavkar)

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OPEN COURT ORDER

[PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN]

The case called out for hearing regarding admission. At this stage, respondents' counsel submits that on the request made by the applicant, he has since been transferred to Lonavala. It is also brought to my notice that the applicant has already joined service at Lonavala and he has given a written request to the department to treat the intervening period as with or without pay.

2. After hearing both sides, I hold that the O.A. no longer survives in view of the subsequent event. The period from the date of relief to the date of joining duty at Lonavala shall be treated as leave, which may be at the credit of the applicant or if no leave is at his credit, then the period shall be treated as Extra-Ordinary Leave without pay. It is further made clear that the period shall ~~not~~ count for all other purposes as continuity of service, except for pay and allowances. The respondents shall also not take any action against the applicant for not complying with the order of transfer earlier and joining in the new post after ~~the~~ lapse of time.

3. With the above observations, the O.A. is disposed of at the admission stage. No costs.

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.