

(R6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.
O.A.NO.955 of 1995.

Between

Dated: 24.8.1995.

S.R.Mahapatra, IRTS

... Applicant

And

1. The Container Corporation of India(A Govt. of India Undertaking) New Delhi rep by its Managing Director.
2. The Union of India, Ministry of Railways, Railway Board, rep. by its Secretary(E). New Delhi

... Respondents

Counsel for the Applicant : Sri. V.Rajagopala Reddy

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CGSC.

Sri @ Ravinenchandra Rao
SRI R-1

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-

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O.A.No.955/95

Date of Order: 24.8.95

X As per Hon'ble Shri A.B.Gorthi, Member (Admn.) X

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Aggrieved by the order of Container Corporation of India Limited (CONCOR) Office order No.64/95 transferring as Chief Manager, ICD, Dhandari Kalan Luthiyana the applicant from Hyderabad to Luthiyana with immediate effect, the applicant has come up with this OA praying that the impugned transfer order be set aside and that he be allowed to continue in the office of the first respondent (CONCOR) till the expiry of his deputation period.

2. The applicant, who is an IRTS Officer was working in the South Central Railway, Hyderabad when he was deputed to serve with CONCOR under the orders of the Railway Board. He joined CONCOR on 9.9.92 although the initial order of deputation was issued on 10.8.92. While serving with CONCOR, it is stated, that he was sent abroad for certain training by CONCOR.

3. As the term of deputation of the applicant was nearing expiry, there arose a doubt as to when the applicant would complete his tenure of 3 years with CONCOR. Initially the view was taken that the applicant would complete his tenure on 9.8.95, as his order of deputation was dated 10.8.92. Later, the issue was reexamined and as the applicant physically reported to CONCOR on 9.9.92, which was decided by the Railway Board that the tenure of the applicant on deputation with CONCOR would come to an end on 8.9.95.

4. The applicant states that all of a sudden the impugned order transferring him to Luthiyana was issued

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by CONCOR on 9.8.95 when his term of deputation with CONCOR was about to conclude on 8.9.95. The respondents' version is that the applicant expressed his desire to be absorbed with CONCOR and expressed his willingness to his transfer to Ludhiana, and it was for this simple reason that the transfer order was issued and also a case was taken up with the Railways for extension of his deputation by another two years.

5. Heard Mr.V.Rajagopala Reddy, learned counsel for the applicant, Mr. G.Ramachandra Rao, learned counsel for respondent No.1 and Mr.N.R.Devraj, learned standing counsel for Respondent No.2.

6. Initially on behalf of the respondents an objection was taken to the jurisdiction of the Tribunal. Learned counsel for the applicant, ^{on the other hand,} ~~however~~ elaborately argued with the assistance of some case law that the Tribunal has jurisdiction in this matter. I need not however go into this issue for two reasons, firstly the respondents did not press their objection to the Tribunal's jurisdiction, and secondly, it is now stated by Mr.M.L. Shanmukh, Sr.Manager-HRD & Chief Vigilance Officer, CONCOR, that the CONCOR will be recalling its office order No.64/95 dated 9.8.95. Thus it is apparent that with the recalling of the impugned order, the applicant would be left with no grievance. As for the continuance or otherwise of his deputation with CONCOR, the same may be resolved by the respondents in accordance with the ~~extant~~ instructions, keeping in view the facts and circumstances of the case. No order need be passed by me in this regard.

29

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7. For the reasons above stated, at the admission stage itself, the OA is disposed of as having become infructuous. No order as to costs.

Amarsingh
(A.B.GORTHI)
Member (Admn.)

Dated : 24th August, 1995

(Dictated in OpenCourt)

Amarsingh
Deputy Registrar (Judl.)

sd

Copy to:-

1. The Managing Director, Container Corporation of India, (A Govt of India Undertaking), New Delhi.
2. The Secretary(E), Ministry of Railways, Railway Board, Rail Bhavan, Union of India, New Delhi.
3. One copy to Sri. V.Rajagopala Reddy, advocate, 3-5-942, Himayatnagar, Hyd.
4. One copy to Sri. G.Ramachandra Rao, advocate, for R-1, CAT Hyd
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

✓

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A. B. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT: ✓

DATED: 24/8/1995.

M.A./R.A./C.A.NO.

O.A.NO.

T.A.NO. (W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

Rst/-

No Spare Copy

Central Administrative Tribunal
DESPATCH

30 AUG 1995 New

HYDERABAD BENCH