

J A I P U R .

O.A. No. 136/94

Date of decision: 4.4.94

HAPI BHAJAN : Applicant.

VERSUS

UNION OF INDIA & OPS : Respondents.

Mr. D.C. Gupta : Counsel for the applicant.

Mr. M. Rafiq : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

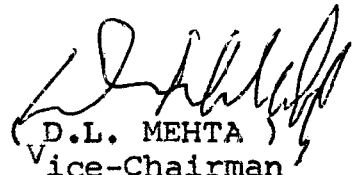
PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

The applicant submitted the application on 8.2.94 for mutual transfer. However, he submitted the second application on 17.2.94 and submitted that due to the changed circumstances he does not want any transfer and his prayer for mutual transfer may be treated as recalled/cancelled. This application was forwarded on 17.2.94 itself and there is a note on Annexure A-2. However, the respondents' submission is that it was received on 26.2.94. Whatever is the position, the order, Annexure R-1, was passed on 24.2.94 by which one Bhagwan Singh was reverted on his own request and transferred on the post that the applicant was holding. In consequence of this order (Annexure R-1), the transfer order dated 28.2.94 (Annexure A-1) was issued.

2. I have gone through the record and once there is a submission of application on 17.2.94 with a note that it may be forwarded to the Deputy COS, Kota for necessary action the prayer for mutual transfer does not survive. However, in the facts of the case, a person, Bhagwan Singh, sought the reversion for getting his posting at Bharatpur and in fact, he has joined there. In such circumstances, the transfer order cannot be disturbed. However, the respondents will be duty bound to pay to the applicant all TA/DA and all consequential benefits of transfer as the order has

been passed after the submission of the application,  
Annexure A-2 dated 17.2.94.

3. The O.A. is disposed of accordingly, with no  
order as to costs.

  
D.L. MEHTA  
Vice-Chairman