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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR

OA No.186/97 & MAs No.263/97, 331/97
and 26/98

Date of order: 11.2.1998

Vinod Kumar Chaturvedi at present a Stenographer, Office of the Chief Engineer (NC) III, CPWD, Sector-7, Vidyadhar Nagar, Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary, Govt. of India, Ministry of Urban Development, Nirman Bhawan, New Delhi.
2. The Director General (Works), C.P.W.D., New Delhi, Nirman Bhawan, New Delhi.
3. The Chief Engineer (Northern Zone-III), Sector-7, C.P.W.D., Jaipur.
4. The Superintendent Engineer, Coordination Circle (Civil), CPWD-I, P.Bhawan, New Delhi.
5. The S.E.W. Cum S.E. (HQ) N.E. III, C.P.W.D., Sector-7, Vidyanaagar, Jaipur.
6. Shri Radhey Shyam, Stenographer, Office of the Superintending Enginner, Jaipur Central Circle, CPWD, Jaipur.
7. The Executive Engineer, Jaipur Central Division No.I, C.P.W.D., Jaipur.

.. Respondents

Mr.R.R.Kumawat, counsel for the applicant

Mr. V.S.Gurjar, counsel for the respondents

CORAM:

Hon'ble Mr.O.P.Sharma, Administrative Member

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

Per-Hon'ble Mr.-O.P.Sharma, Administrative Member

In this application under Section 19 of the

Administrative Tribunals Act, 1985 Shri Vinod Kumar Chaturvedi has prayed that the respondents may be directed to allow the applicant to continue/join/resume his duty on the post of Stenographer in pursuance of the transfer order No.28 dated 31.3.97 and to make due payment of salary and allowances to him w.e.f. 1.4.97 alongwith payment of TA/DA with regard to sending his family from Delhi to Jaipur, with all consequential benefits. He has further prayed that he may be allowed to continue without any interruption in pursuance of his joining at Jaipur w.e.f. 7.4.97 (FN). He has also prayed that the orders dated 17.4.97 and 30.4.97 may be quashed with all consequential benefits. Finally, the applicant has prayed that the respondents may be directed to relieve Shri Redhey Shyam, Stenographer to join his duty at Jodhpur in pursuance of the office order dated 16.7.97.

2. The applicant has also sought certain interim relief. The respondents have filed their reply to the OA and the prayer for interim relief and have also taken preliminary objections to the maintainability of the OA. The applicant has also filed rejoinder to the replies thereafter. The applicant has filed a number of Misc. Applications, which are No. 263/97, seeking interim direction, No.331/97 again seeking interim direction and No. 26/98 also seeking interim direction. All these Misc. Applications are pending.

3. We have heard the learned counsel for the parties and have perused the material on record.

4. The applicant was relieved from Jaipur to join duty at New Delhi after the Tribunal had passed the order dated 16.10.1997 vacating the interim direction issued earlier on 13.5.1997, as modified by order dated 20.6.1997. Misc.

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Application No.26/98 has now been filed by the applicant seeking an interim direction to stay the operation of the order of transfer from Jaipur to New Delhi passed after passing the Tribunal's order dated 16.10.1997. It was brought to the notice of the learned counsel for the applicant that after passing of the order dated 16.10.1997 by the Tribunal, there remained practically nothing to be done, insofar as the present OA ^{is} concerned and the Misc. Application No.26/98 is now no longer maintainable, particularly when by order dated 29.01.1998 annexed to the Misc. Application No.26/98, the applicant has also already been relieved from Jaipur. At this stage the learned counsel for the applicant sought permission to withdraw the OA and the Misc. Applications, for the reason that the applicant intends to make a detailed representation to the respondents regarding his grievance relating to the transfer, pay and allowances for the intervening periods and TA and DA and all other financial claims. We permit the applicant to withdraw the OA and the Misc. Applications. The learned counsel for the respondents, however states that if and when the applicant makes the said detailed representation, as contemplated by him, they shall consider the said representation on merits in the light of the position of the rules prevailing.

5. The OA and MAs are dismissed as having been withdrawn.
No order as to costs.



(Ratan Prakash)
Judicial Member



(O.P.Sharma)

Administrative Member