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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.212/98

Date of order:06.01.1999

Bishavnath Roy S/o Shri Prabhat Chand Rai, aged about 56 years, resident of 76/3, JMTC Line, Civilians Officers' Colony, MES, Banipark, Jaipur.

...Applicant.

Vs.

1. Union of India through the Engineer-in-Chief, Army Headquarters, DHQ, Kashmir House, New Delhi.
2. Chief Engineer (Headquarters), Southern Command, Pune.
3. Chief Engineer, Jaipur Zone, Power House Road, Beni Park, Jaipur.

...Respondents.

Mr. Manish Bhandari : Counsel for the applicant

Mr. S.S. Hasan : Counsel for the respondents.

CORAM:

Hon'ble Mr. Ratan Prakash, Judicial Member.

PER HON'BLE MR. RATAN PRAKASH, JUDICIAL (MEMBER).

Applicant herein Bishavnath Roy, has approached this Tribunal under Sec.19 of the Administrative Tribunals Act, 1985, to quash and set aside the order dated 30.4.98 (Annex. A1) by which he has been transferred/posted to the Calcutta Zone from Jaipur Zone.

2. On 9.6.1998, an interim direction to the following effect was issued to the respondents:

"In view of it, a show cause notice be issued to the respondents returnable within 14 days i.e. by 23.6.1998. Meanwhile, direction is issued to the respondents that if the applicant has not been relieved till today i.e. 9.6.1998, he may not be relieved till the next date. A copy of the order be supplied to the parties."

3. The respondents have put in their appearance and have filed a detailed reply after which the applicant has also

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filed a rejoinder incorporating the order dated 30.11.98 taged after Anxx.A12, which makes out that on the post on which the applicant was transferred/posted at Calcutta, one Shri V.S Sampath has now been posted against him and the person who was posted vice the applicant here at Jaipur i.e. Shri K.Gajendra Singh, has now been posted in the Northern Command vide the aforesaid order.

4. The respondents have also filed an additional affidavit today to the effect that the representation made by the applicant earlier could not be considered due to the fact that the applicant had filed an O.A before the Tribunal. However, the respondents have further mentioned in this affidavit that the request of the applicant would be favourably considered and his posting would be deferred upto 15.5.1999, as per the request made by the applicant. It has also been stated that after this date the applicant will be considered for posting to Western Command/ Central Command/ Northern Command, as per his career profile.

5. In view of the aforesaid changed position and the stand disclosed by the respondents in the additional affidavit filed today, the applicant does not want to press this O.A, which is dismissed as withdrawn and disposed of accordingly. No order as to costs.



(Ratan Prakash)

Judicial Member.