

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.396/2000

Date of order: 22.9.2000

Ashok Kumar Bhargava, S/o late Shri Mukut Bihari Bhargava, R/o T-37, Idgah Railway Colony, Idgah, Agra.

...Applicant.

Vs.

1. Union of India through the General Manager, W.Rly, Churchgate, Mumbai.
2. Chief Operating Manager, W.Rly, Church Gate, Bombay.
3. Chief Personnel Manager, W.Rly, Churchgate, Bombay.
4. Divisional Rly.Manager, W.Rly, Kota.

...Respondents.

Mr.P.P.Mathur - Counsel for applicant.

Mr.T.P.Sharma - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

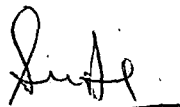
PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to postpone the order dated 25.8.2000, till the marriage of his daughter on 16.1.2001 and to modify the same accordingly.

2. The applicant was transferred vide order dated 25.8.2000 from Agra Fort to Mumbai.

3. On 30.8.2000, this Tribunal directed the respondents not to relieve the applicant if he has not been relieved so far.

4. A short reply was filed. In the reply the respondents have been made it clear that in pursuance of order dated 25.8.2000, Shri D;hiri Singh has joined and taken over the charge of ARO-AF on 29.8.2000. It is also stated in the reply that the applicant was on leave w.e.f. 28.8.2000 to 12.9.2000 but he was relieved on 29.8.2000 i.e. prior to the order passed by the Tribunal on 30.8.2000. Therefore, it is stated that the prayer of the applicant has become infructuous.

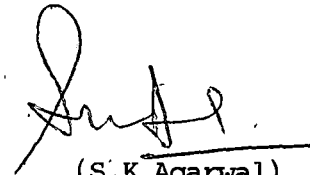


5. The applicant has come up before this Tribunal for postponing the order dated 25.8.2000 till 16.1.2001 because of the marriage of his daughter but the respondents have categorically stated that the applicant was transferred in exigencies of service and in his place Shri Dhiri Singh has already joined and the applicant was relieved on 29.8.2000, prior to the order passed by the Tribunal on 30.8.2000, therefore, the interim order issued by the Tribunal on 30.8.2000 could not be extended.

6. As Shri Dhiri Singh has already joined at Agra Fort from where the applicant was transferred and the applicant has already been relieved on 29.8.2000, therefore, I do not find any merit in the prayer of the applicant to postpone/defer the order of transfer till the marriage of his daughter. Moreover, the order of transfer is in no way based on malafide or infraction of the statutory norms, therefore the applicant has no case for interference by this Tribunal. However, the applicant is free to make a request to the competent authority and the competent authority may consider the request of the applicant sympathetically.

7. In view of the above, this O.A is dismissed having no merits and the interim direction issued on 30.8.2000 stands vacated. However, this order shall not preclude the respondents' department to consider the request of the applicant sympathetically.

8. No order as to costs.

  
(S.K. Agarwal)

Member (J).