

6-10-09

OA 184/08
MA No. 31/2009

Mr. P.N. Jatti - Counsel for applicant
Mr. N.C. Goyal, counsel for respondent

Heard the learned counsel
for the parties.

For the reasons dictated
separately, the OA stands
disposed of.



(M.L. Chauhan)

Member (T)

RJ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 6th day of October, 2009

ORIGINAL APPLICATION No.184/2008

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)

Hemant Kumar Sharma
s/o Shri Prahlad Rai Sharma,
r/o H.No.229, Nagargarh Road, Jaipur
presently working as Chief Reservation
Supervisor, NWR, Jaipur.

.. Applicant

(By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India,
through the General Manager,
North Western Railway,
Jaipur
2. Divisional Railway Manager,
North Western Railway, Jaipur
3. Jayant Singh,
Senior Divisional Commercial Manager,
North Western Railway, Jaipur
4. Senior Divisional Personnel Officer,
North Western Railway, Jaipur
5. Shri Nand Lal,
Chief Reservation Supervisor,
NWR, Jaipur

... Respondent

(By Advocate: Mr. N.C.Goyal)

42

ORDER (ORAL)

Heard the learned counsel for the parties.

2. The learned counsel for the respondents has brought to my notice office order dated 28.8.2009 whereby Shri Nand Lal has been transferred from Chief Reservation Supervisor to Data Base, Jaipur. Thus, in view of this subsequent development, since Shri Nand Lal has been transferred to Data Base, Jaipur and the post of Chief Reservation Supervisor is available at Jaipur against which post the applicant is working pursuant to the stay granted by this Tribunal, I am of the view that the impugned order dated 16.5.2008 (Ann.A/1) whereby the applicant was transferred vice Shri Nand Lal cannot be implemented and has become inoperative. Accordingly, the present OA has become infructuous.
3. The learned counsel for the respondents submits that liberty may be reserved to the respondents to transfer the applicant again pursuant to the policy decision framed by the respondents. Such a contention on behalf of the learned counsel for the respondents need not be noticed. It is the prerogative of the respondents to transfer any of the employees in the exigencies of service as per policy decision.
4. With these observations, the OA is disposed of with no order as to costs.
5. In view of the observations made above, interim stay already granted on 22.5.2008 and continued from time to time is vacated.

Accordingly, MA for vacation of stay does survive and stands disposed of.



(M.L.CHAUHAN)
Judl. Member

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