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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

16.7.2009

OA 460/2008 (P.H.)

None present for applicant.
Mr. Anupam Agarwal, counsel for respondents.

Since the relief sought by the applicant in this OA regarding his adjustment at Ajmer has been acceded to, as per the averments made by him in the counter reply to additional affidavit of the respondents, this OA, in my opinion, has become infructuous.

However, as learned counsel for the applicant is not present today, the case is adjourned to 23.7.2009.

vk
(B.L.KHATRI)
MEMBER (A)

vk

23.07.2009

OA No. 460/2008

None present for applicant.
Mr. Anupam Agarwal, Counsel for respondents.

Heard learned counsel for the respondents.

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

vk
(B.L. KHATRI)
MEMBER (A)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 23rd day of July, 2009

ORIGINAL APPLICATION NO. 460/2008

CORAM:

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Nauratmal Kumawat son of Shri Jodhraj Kumawat, aged about 56 years, Sr. T.C. Ajmer Railway Station, Ajmer and resident of G Block, Near Guru Nanak School, Vaishali Nagar, Ajmer.

.....APPLICANT

(By Advocate: None)

VERSUS

1. Union of India through the General Manager, North Western Railway, Ganpati Nagar, Jaipur.
2. The Divisional Rail Manager, North West Railway, Ajmer Division, Ajmer.
3. Sr. Divisional Commercial Officer, North Western Railway, Ajmer Division, Ajmer.

.....RESPONDENTS

(By Advocate: Mr. Anupam Agarwal)

ORDER (ORAL)

The applicant has filed this OA thereby challenging the order dated 01.10.2008 (Annexure A/1) whereby he has been transferred from Ajmer to Mavali and order dated 06.11.2008 (Annexure A/2) whereby his representation against the transfer has been rejected by Divisional Railway Manager, Ajmer. Through this OA, the applicant has prayed for the following reliefs:-

- "(i) That the transfer order dated 01.10.2008 (Annexure A/1) may kindly be quashed and set aside being malafide and illegal and discriminatory.
- (ii) That the decision of the respondent no. 2 dated 6.11.2008 (Annexure A/2) on the representation of the applicant be quashed being non reasoned and non speaking.

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- (iii) That the applicant be treated as on duty from 17.10.2008 after discharge from Railway Hospital, Ajmer as he was awaiting for duties instead transferring out of Ajmer.
- (iv) Any other appropriate order or direction which this Hon'ble Tribunal may consider just and proper in the facts and circumstances of the case may also kindly be passed in favour of the humble applicant. Cost of this original application may also kindly be awarded in favour of the application."
2. It is pertinent to note that an Additional Affidavit has been filed by the applicant wherein in Para No. 5, it has been specifically mentioned that applicant had been allowed to join back at Ajmer. He has now been posted at Ajmer Railway Station and he had been asked to work in the lobby by the respondents as per letter dated 14.03.2009 (Annexue A/25). As such, relief nos. 1 & 2 had been granted. To this extent, the OA has become infructuous.
3. As regards the third prayer of the applicant that he may be treated as on duty from 17.10.2008 after discharge from Railway Hospital, Ajmer as he was awaiting for duties instead transferring out of Ajmer, the applicant is directed to make a self contained representation before the competent authority within 15 days from the date of receipt of a copy of this order. If the representation is received within the aforesaid period, in that eventuality, the competent authority shall decide the representation of the applicant by passing a reasoned and speaking order within one month from the date of receipt of such representation from the applicant. In case the applicant is aggrieved by the order of the competent authority to be passed by him on his representation, he is at liberty to approach this Tribunal again.
4. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)

AHQ