

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

ORDERS OF THE TRIBUNAL

24.03.2009

OA No. 55/2009

Mr. S.K. Singodiya, Counsel for applicant.
Mr. Anupam Agarwal, Counsel for respondents.

Heard learned counsel for the parties.

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

(B.L. KHATRI)
MEMBER (A)

(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 24th day of March, 2009

ORIGINAL APPLICATION NO. 55/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Pawan Kumar Upadhyay son of Shri Shiv Kumar Upadhyay, aged about 53 years, resident of Quarter No. T-3, Railway Station Mandpia (NWR) District Bhilwara (Rajasthan). Presently working as Station Superintendent (EMP ID-16305840) at Railway Station Mandpia District Bhilwara (Rajasthan).

.....APPLICANT

(By Advocate: Mr. S.K. Singodiya)

VERSUS

1. Union of India through General Manager, North Western Railways, Jaipur.
2. The Senior Divisional Railway Manager, Division Office, Ajmer (NWR).
3. The Station Superintendent, Railway Station Mandpia, District Bhilwara (Rajasthan).

.....RESPONDENTS

(By Advocate : Mr. Anupam Agarwal)

ORDER (ORAL)

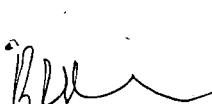
The applicant has filed this OA against the order dated 18.12.2008 (Annexure A/1) and order dated 19.12.2008 (Annexure A/2) whereby during the period of suspension, the applicant was ordered to be transferred from Mandpia to Semari. It may be stated that the applicant has also filed OA on earlier occasion for the same cause of action, as can be seen from the judgement dated 24.12.2008 passed in OA No. 506/2008, which OA was disposed of by this Tribunal on the ground that the same is premature as the applicant has not availed remedy of appeal as available to him under Rule 18(1) of the Railway Servants (Discipline & Appeal) Rules, 1968. The direction was also given by this Tribunal to the Appellate Tribunal to pass a reasoned and speaking order within a period of

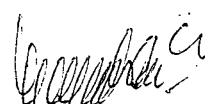
one month from the date of receipt of the appeal. Subsequently, the appeal was filed but before any decision was taken by the Appellate Authority on the appeal of the applicant, the applicant has again filed the aforesaid OA.

2. Notice of this application was given to the respondents. The respondents have filed their reply, which is taken on record. In the reply, the respondents have placed copy of the order dated 17.02.2009 (Annexure R/2) whereby the suspension order of the applicant has been revoked.

3. In view of this development, the present OA does not survives. Learned counsel for the applicant submits that he is still aggrieved by the order passed by the respondents whereby the applicant has been transferred from Mandpia to Semari. The validity of this order has not been challenged in this OA. The copy of the order dated 19.12.2008 whereby the applicant was transferred has been placed on record alongwith the reply as Annexure R/1. Since the validity of order dated 19.12.2008 (Annexure R/1) is not challenged in this OA, we cannot go into this question. It will be permissible for the applicant to file substantive OA thereby challenging the order dated 19.12.2008.

4. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ