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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

07.12.2010

OA No. 104/2010

Mr. Nand Kishore, 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.


(M.L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 07th day of December, 2010

ORIGINAL APPLICATION NO. 104/2010

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

Inder Pal Kumawat son of Shri Panna Lal Kumawar, aged about 52 years, working as ELF (1) (D) in scale Rs.5200-20200 + 2800 Pay Grade under Sr. Divisional Mechanical Engineer, Diesel Shed, Phulera, North Western Railway, Resident of Kumawat Colony, Balaji Road, Phulera District, Jaipur (Rajasthan).

.....Applicant

(By Advocate: Mr. Nand Kishore)

VERSUS

1. Union of India through General Manager, North Western Railway, Hasanpura Road, Jaipur.
2. Divisional Railway Manager, North Western Railway, Power House Road, Jaipur.

.....Respondents

By Advocate : Mr. Anubam Agarwal)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- "(i) The transfer order dated 20.10.2009 (Annexure A/1) and respondent letter dated 28.1.2010 (Annexure A/2) issued by the respondent no. 2 may be declared unreasonable, capricious, arbitrary, bad in law and against the Railway Board Policy and be quashed and set aside.
- (ii) The transfer of the post vide respondent letter dated 1.9.2009 (Annexure A/2) as far as the applicant's post are concerned ELF (1) (D) vide Item No. 7 may be held bad in law and arbitrary and be quashed and set aside.
- (iii) The respondents may be directed to amend the transfer order clearly stating that the transfer is temporarily for specific period i.e. till creation of the posts by Bikaner Division and the applicant is entitled for the privilege which is permissible under Para 1647 of Indian Railway Establishment Code Vol. II second reprint.

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(iv) Any other directions and orders, which are, deem proper in the facts and circumstances of the case may kindly be allowed to the applicant."

2. The respondents have filed their reply thereby opposing the claim of the applicant. Today, learned counsel for the respondents has placed on record the order dated 29.10.2010 whereby the applicant has been brought back to his original position.

3. In view of what has been stated above, the present OA does not survives. Learned counsel for the applicant submits that in terms of the order dated 29.10.2010; the applicant has been held not entitled to the Transfer Allowance for the intervening period. It is, however, clarified that for that purpose, the applicant may make grievance before the appropriate authority and disposal of this OA will not be construed that the claim of the applicant for Transfer Allowance for the intervening period has been rejected by this Tribunal.

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


(M.L. CHAUHAN)
MEMBER (J)

AHQ