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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 09.11.2011

OA No. 349/2011 with MA No. 333/2011

Mr. P.N. Jatti, counsel for applicant.
Mr. Mukesh Agarwal, counsel for respondents.

Heard. The O.A. and MA are disposed of by a separate order
on the separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

[Signature]

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

**ORIGINAL APPLICATION NO. 349/2011
WITH
MISC. APPLICATION NO. 333/2011**

DATE OF ORDER: 09.11.2011

CORAM

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Bidha Ram Dagur S/o Shri Mitthan Lal, aged about 50 years, R/o 23/101, Madina Colony, Dholpur (Raj.).

...Applicant

Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through Secretary to the Ministry of Communication, Department of Posts, Government of India, Dak Bhawan, Sansad Marg, New Delhi - 11001.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices, Dholpur Division, Dholpur (Raj.) 328001.

...Respondents

Mr. Mukesh Agarwal, counsel for respondents.

ORDER (ORAL)

The present Original Application is directed against the transfer order dated 20.05.2011 (Annex. A/1) by which the respondents have transferred six persons along with the applicant, the name of the applicant finds place at serial no. 2 in the said transfer order and the applicant has been transferred from SPM Mania to SPM Weir Town.



2. This Bench of the Tribunal had issued notices to the respondents on 04.08.2011. In response to the notices, the respondents have filed Misc. Application No. 333/2011. By way of this Misc. Application, the respondents have placed two documents on record as Annexure MA/1 dated 17.08.2011 and Annexure MA/2 dated 01.10.2011. Annexure MA/1 is with regard to the application moved by the applicant that he wishes to withdraw the Original Application, which is pending before this Tribunal challenging the alleged transfer order. Annexure MA/2 shows that the applicant has been relieved and joined at transferred place.

3. Learned counsel appearing for the applicant strongly objects that the applicant has written the application seeking to withdraw the present Original Application but the applicant has written the said application under pressure seeking withdrawal of the present Original Application. Learned counsel for the applicant placed before us the order dated 24.08.2011 issued by the Assistant Post Master General (S&V) O/o Chief Post Master General, Rajasthan Circle, Jaipur, in which it has been mentioned that now the applicant requested to reconsider his transfer order get modified but meanwhile applicant has filed OA No. 349/2011 before CAT, Jaipur Bench, and as the matter is subjudice now, status quo be maintained till the outcome of the CAT's decision. By showing this document, learned counsel for the applicant further submits that the respondents have assured that they will consider the case of the applicant, and also submits that since the O.A. is pending and the matter is subjudice before this



Bench of the Tribunal, the respondents had not entertained the request made on behalf of the applicant.

4. Having considered the submissions made on behalf of the respective parties and upon careful perusal of the documents annexed along with the MA as well as along with the OA, it is not disputed that pursuant to the transfer order dated 20.05.2011 (Annex. A/1), the applicant had no other option except to join at the transferred place i.e. at SPM Weir Town, but still he is requesting for reconsideration of his request of transfer, same is pending consideration before the respondents.


5. Looking to the facts and circumstances of the case and considering the fact that the applicant has been relieved and he has joined his duty at the transferred place, we deem it proper to direct the respondents to consider the said request made by the applicant for consideration of his request for transfer, and it is for the respondents to consider the same in true and latter spirit but in any way, the present Original Application directed against the impugned transfer order dated 20.05.2011 (Annex. A/1) has become infructuous as the applicant has already joined his duty at the transferred place. However, the respondents are directed to consider the said request made by the applicant sympathetically in true and latter spirit.

6. If the request of the applicant is not accepted and if any prejudicial order against his interest is passed by the



respondents, the applicant will be at liberty to challenge the same by way of filing substantive Original Application.

7. With these observations and directions, the present Original Application stands disposed of. Consequently, the Misc. Application is also disposed of. There shall be no order as to costs.


(ANIL KUMAR)
MEMBER (A)


(JUSTICE K.S. RATHORE)
MEMBER (J)

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