

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the **04<sup>th</sup>** day of **July**, 2018

Present :

**Hon'ble Mr. Justice Vishnu Chandra Gupta, Member-J**  
**Hon'ble Mr. Gokul Chandra Pati, Member-A**

Original Application No.330/00756/2015

Ram Raj Singh Kushwaha, S/o Late Mahadev, Resident of Village-Hardiya, Police Station Nonahara, District – Ghazipur.

.....Applicant.

By Advocate –Shri Siddarth Saran

**V E R S U S**

1. Union of India through its Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
2. General Manager, North Eastern Railway, Gorakhpur.
3. Divisional Railway Manager, Varanasi.
4. Junior Engineer II (Electricity), Thawe Junction, N.E. Railway.
5. Ramayan Manjhi, presently posted as Junior Engineer II, Electricity Thawe Junction.

..... Respondents

By Advocate : Shri R.K. Rai

**O R D E R**

**By Hon'ble Mr. Justice Vishnu Chandra Gupta, Member-J**

None is present for the applicant. Shri D. Tiwari proxy counsel for Shri R.K. Rai, counsel for the respondents is present.

As the matter pertains to transfer and interim order is operating since 2015, hence, the OA is disposed of under Rule 15 of CAT (Procedure) Rule on the basis of material available on record.

2. In this OA the applicant is seeking following relief(s) :

***“(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned transfer order dated 27.04.2015 passed by the respondent No.4, Junior Engineer II (Electricity), Thawe Junction.***

***(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents to allow the applicant to work at Thawe Junction.***

***(iii) Issue any order or direction which this Hon’ble Tribunal may deem fit and proper under the facts and circumstances of the case.***

***(iv) Award costs of this original application to the applicant.”***

3. The brief facts of the case are that the applicant while working on the post of Train Electricity Mechanic Grade III, the Respondent No.3 transferred one Shri Ram Kumar Rai, Technician Train Electricity/A.C. and posted at Thawe Junction by an order dated 17.03.2015. It was alleged that the applicant and some other employees made a complaint against Ramayan Manjhi regarding several irregularities committed by him and on account of this complaint, Ramayan Manjhi i.e. respondent No.5 intentionally transferred the applicant from Thawe Junction to Siwan Junction, Electricity Office of Railway Department where in fact applicant has not been transferred from the D.R.M. Office,

Varanasi. The applicant stated that since he was going to be retired within two years, he should not be transferred as per transfer policy and as such the transfer order is illegal.

4. From the pleadings, it appears that applicant has already retired from service, hence, the OA has become infructuous. Accordingly, the OA is dismissed as it has become infructuous. Interim order granted earlier stands vacated.

Member-A

Member-J

RKM/