

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.100/4092/2015

New Delhi this the 17th day of October, 2016

**HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE DR. B.K. SINHA, MEMBER (A)**

Manish Kumar Gaur
S/o R.D. Gaur
R/o B-2, Sri Ram Apartments,
Plot No.32, Sector-4,
Dwarka,
New Delhi-110078. ...Applicant

(Argued by: Shri Ajit Singh, Advocate)

Versus

1. The Government of NCT of Delhi
Through its Chief Secretary,
5th Level, A-Wing, Delhi Secretariat,
I.P. Estate, New Delhi-110002.
2. The Principal Secretary,
Department of Law, Justice and Legislative Affairs,
Govt. of NCT of Delhi,
8th Level, C-Wing, Delhi Secretariat,
I.P. Estate, New Delhi-110002.
3. The Principal Secretary,
Department of Services,
Govt. of NCT of Delhi,
7th Level, C-Wing, Delhi Secretariat,
I.P. Estate, New Delhi-110002.
4. The Director,
Directorate of Education,
Govt. of NCT of Delhi, Old Secretariat,
New Delhi-110054. ...Respondents.

(By Advocate: Ms. Ritika Chawla)

ORDER (ORAL)

Justice M. S. Sullar, Member (J)

The contour of the facts and material, which needs a necessary mention for the limited purpose of deciding the core controversy involved in the instant Original Application (OA),

and emanating from the record is that, initially applicant, Manish Kumar Gaur joined services with Government of National Capital Territory of Delhi (for short “GNCTD”) as Craft Instructor, Industrial Training Institute (ITI), Delhi under Department of Training and Technical Education.

2. Having selected, applicant joined as Legal Assistant in Department of Law, Justice and Legislative Affairs (for brevity “Law Department), GNCTD on deputation basis on 14.12.2004, after being relieved from the Department of Training and Technical Education. He was absorbed as Legal Assistant and was subsequently promoted to the post of Assistant Legal Advisor in the Law Department. Since then, he was working there.

3. According to the applicant, the then Minister of Law, Justice and Legislative Affairs, Tourism, Art, Culture and Languages, Gurdwara Elections & Water, GNCTD, placed his services at the disposal of Services Department for further posting, vide impugned order dated 29.07.2015. He was transferred to Directorate of Education, GNCTD, by means of impugned Order No.458 dated 28.08.2015. He was directed to report to Services Department vide impugned order No.548 dated 28.10.2015 (Annexure A-Colly.).

4. Aggrieved thereby, the applicant has challenged the aforementioned impugned orders, on the grounds of being arbitrary, illegal, without jurisdiction & issued in violation of

Fundamental Rules 14-B and preferred the present OA claiming the following reliefs:-

- “(i) Pass an order quashing the UO No.2369-70 dated 29.07.2015 passed by Hon’ble Minister of Law, Justice and Legislative Affairs as being illegal and arbitrary and without authority and coloured with political motives;
- (ii) Pass an order quashing the subsequent and consequential order No.458 dated 28.08.2015 passed by Services Department following UO No.2369-70 dated 29.07.2015 being illegal and arbitrary for the reason that an ex-cadre officer cannot be transferred out of his parent department by a foreign department;
- (iii) Pass an order quashing the Order No.548 dated 28.10.2015 being mala fide and without authority of Services Department as Services Department has no role in transfer posting of an officer holding ex-cadre posts being a foreign Department for the applicant; and
- (iv) Pass any further orders or directions in favour of the applicant as this Hon’ble Tribunal may deem fit and proper in the present facts and circumstances and in the interest of justice”.

5. The respondents have refuted the claim of the applicant, filed the reply stoutly denying all the allegations and grounds contained in the OA, and prayed for its dismissal.

6. Controverting the allegations pleaded in the reply of the respondents and reiterating the grounds contained in the OA, the applicant filed his rejoinder. This is how we are seized of the matter.

7. During the course of hearing, at the very outset, learned counsel for the respondents has placed on record the copy of Order No.F.2/18/2015/S.I./Pt.I dated 29.08.2016, whereby applicant was retransferred and posted in the Law Department. It is not a matter of dispute that in compliance thereof, the applicant has already joined and is presently working in the Law Department. Meaning thereby, respondents have already redressed his grievance. Therefore, since the

applicant has already been posted in the Law Department, so the instant OA becomes infructuous.

8. In the light of the aforesaid reasons, the OA is hereby dismissed as having become infructuous. However, the parties are left to bear their own costs.

**(DR. B.K. SINHA)
MEMBER (A)**

**(JUSTICE M.S. SULLAR)
MEMBER (J)
17.10.2016**

Rakesh