

(2010) 02 AHC CK 0175

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 4109 of 1998

Union of India and Others

APPELLANT

Vs

Central Administrative Tribunal, Allahabad Bench, Allahabad
and Others

RESPONDENT

Date of Decision : 04-02-2010

Acts Referred:

Citation : (2010) 02 AHC CK 0175

Hon'ble Judges : S.P.Mehrotra, J and Kashi Nath Pandey, J

Final Decision : Dismissed

Judgement

Kashi Nath Pandey, J.—It appears that by the order dated 12th August, 1997 (Annexure no. 2 to the Writ Petition), the respondent no. 3, Ram Murti Tripathi was transferred from the post of General Manager, Ordnance Equipment Factory, Kanpur to the post of Deputy Director General, Ordnance Equipment Factory Headquarter, Kanpur. The said order was challenged by the respondent no. 3 by filing Original Application before the Central Administrative Tribunal (in short "the Tribunal") which was numbered as Original Application No. 878 of 1997.

2. By the order dated 6th November, 1997, the Tribunal allowed the said Original Application holding the order of transfer of the respondent no. 3 as illegal. Copy of the said order dated 6th November, 1997 has been filed as Annexure No. 1 to the Writ Petition. Certified copy of the said order has also been filed as Annexure No. 6 to the Writ Petition.

3. Against the said order dated 6th November, 1997 passed by the Tribunal, the petitioners filed the present Writ Petition. By the order dated 04.02.1998, the Writ Petition was admitted. On the Stay Application, the Court passed an order dated 04.02.1998 staying the operation of the said order dated 6th November, 1997 passed by the Tribunal.

4. The case has been taken up in the revised list. Sri Kunal Ravi? Singh holding brief? for Sri? R.S.Maurya, learned Counsel for the petitioner is present.

However, none is present for the respondent no. 3.

5. From a perusal of? the array of? parties in the aforementioned Original Application as given in the said order dated 6th November, 1997 passed by the Tribunal, it transpires that the respondent no. 3 mentioned his age as about 57 years at the time of filing of the Original Application in the year 1997. In view of the age given by the respondent no. 3 himself, the respondent no. 3 must have attained by now the age of about 70 years, and he must have retired.

6. The present Writ Petition pertains to transfer of the respondent no. 3 as mentioned above.

7. As the petitioner must have retired by now, the present Writ Petition has evidently become infructuous, and the same is liable to be dismissed as such.

8. The Writ Petition is accordingly dismissed as having become infructuous.