

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2874 of 2015

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1. Dr. Pawan Kumar S/o Late Laxshman Prasad, R/o L/S Officer Colony, Sahebpara, Katihar, Bihar at present posted as Sr. DMO/KTR, N.F. Railway, Katihar.

.... Petitioner/s

Versus

1. The Union of India the Secretary, Ministry of Railway, Govt. of India, New Delhi.
2. The General Manager (P) Northeast Frontier Railway Maligaon, Guwahati - 11.
3. The D.G.M. Northeast Frontier, Railway Maligaon, Guwahati - 11.
4. The Secretary, Railway Board, New Delhi.
5. The Chief Medical Superintendent, Northeast Frontier Railway, Katihar.
6. The Divisional Railway Manager (P), Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. Arshad Alam &
Mr. Fakhruddin Ali Ahmad

For the Respondent/s : Mr. Rajeev Kumar

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

2 16-04-2015 I.A. No. 2973 of 2015 has been filed praying for quashing of an order of transfer which has been passed during pendency of this writ application.

Having heard learned counsel for the petitioner, in our view, there is no point in keeping this matter pending. Challenge to the order of transfer as made through this I.A. being transfer order dated 02.04.2015 is premature inasmuch as the petitioner ought to have moved the Central Administrative

Tribunal for whatever relief it sought for at the first instance. Therefore, the I.A. is not maintainable before this Court at this point of time which is disposed of for appropriate steps to be taken by the petitioner.

However, having heard learned counsel for the petitioner, we are also of the view that the writ petition itself does not deserve to be considered inasmuch as the Tribunal has passed an order which is completely in favour of the petitioner as the Tribunal has already set aside the earlier transfer order with liberty to the Railways to pass fresh order in accordance with law. We are failed to see how the petitioner can be aggrieved by that order.

This writ application is, thus, disposed of with the observation aforesaid.

(Navaniti Prasad Singh, J)

Amin/-

(Jitendra Mohan Sharma, J)

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