

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11919 of 2015

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Satish Chandra Srivastava Son of Late Yogendra Prasad, Presently posted as
station Superintendent East Central Railway Samastipur.

.... Petitioner

Versus

1. The Union of India, through the General Manager East Central Railway Hazipur, District- Vaishali (Bihar).
2. The Chief Operative Manager, East Central Railway Hazipur, District - Vaishali (Bihar).
3. The Divisional Railway Manager East Central Railway Samastipur (Bihar).
4. The Senior Divisional Personnel Officer, East Central Railway Samastipur.
5. The Senior Divisional Operating Manager, East Central Railway Samastipur (Bihar).
6. Sri Madhuresh Kumar, the Ex-General Manager, E.C. Railway Hazipur District - Vaishali.
7. Sri Arun Malik, the then Divisional Railway Manager, East Central Railway Samastipur (Bihar)
8. Vijay Kumar Gupta, S/o Late K.N. Arya, Ex, Station Superintendent E.C. Railway, Samastipur.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. P.N. Shahi, Sr. Advocate
		Mr. Dharendra Kumar, Advocate
For the Railway	:	Mr. Siddhartha Prasad, Advocate
For the Respondent no.8	:	Mr. Ratnesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 15-09-2015

Interlocutory Application No. 7280/2015 has been
filed by private respondent no. 8 to vacate the order of stay.

Suffice to say, as noted in our order dated
06.08.2015, at the behest of respondent no. 8, a proceeding was
taken up in Tribunal in relation to his transfer. Respondent no. 8 has

since retired. He has no subsisting *lis*. This interlocutory application for vacating stay is, thus misconceived.

It is, accordingly, dismissed.

Heard Sri Puskar Narain Shahi, learned senior counsel appearing in support of the writ petition, learned counsel for the private respondent no. 8 and Sri Siddhartha Prasad, learned counsel for the Railways.

In view of what we have noted above, we are of the view that the CCPA No. 198/2013 pending before the Tribunal is of academic interest, as respondent no. 8, for whose benefit the principal order was issued, has already retired. That being so, in our view, the said CCPA would become infructuous and cannot be proceeded with.

In that view of the matter, the impugned orders of the Tribunal passed in the said CCPA being order dated 16.07.2015 and consequential order dated 23.07.2015 (Annexure – 10) are set aside, and CCPA itself is held to be infructuous.

This writ application is, accordingly, disposed of.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/N.A.F.R.

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