

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

The Hon'ble Sri Justice V.RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

WRIT PETITION No.5200 OF 2005

Date:14.11.2017

Between:

Union of India,
General Manager,
South East Railway
(East Coast Railway)
Bhubaneswar

...Petitioner

Vs.

G.V. Ramana Raju S/o. Thammiraju
Aged: 46 years,
Working as Tech.Gr. II,
Diesel Loco Shed, Waltair, Visakhapatnam.

... Respondents

For Petitioner : R.S. Murthy

For Respondents : K. K. Chakravarthi



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.5200 of 2005

ORDER: (per V. Ramasubramanian, J)

The Railway Administration has come up with the above writ petition, challenging an order passed by the Central Administrative Tribunal, allowing an application filed by the respondent to transfer him back to the Operations Department.

2. Heard Mr. R.S. Murthy, learned counsel appearing for the petitioner/ Railway Administration and Mr. K.K. Chakravarthy, learned counsel appearing for the respondent.

3. The respondent was appointed as a Token Porter on 21.05.1980 with medical fitness for A2 Category. All of a sudden, he was declared unfit for A2 category after a medical examination held on 22.04.1986. However, he was offered alternative employment in Mechanical Department as a Diesel Cleaner by the proceedings, dated 03.08.1987. The respondent joined the post on 05.08.1987.

4. After a second medical examination held on 28.01.1988, the respondent was found medically fit for A2 category. Even in a third medical examination held on 12.04.1990 he was declared fit.

5. Therefore, contending that he should have been re-transferred, the respondent filed O.A. No.218 of 1997 on the file of the Central Administrative Tribunal. But, the said application was withdrawn and consequently dismissed on 04.03.1997.

6. The respondent filed a second application before the Tribunal with a condone delay application. But, the condone delay petition was dismissed on 03.09.1997.

7. The respondent filed a writ petition in WP No.27323 of 1997 challenging the order of the Tribunal dated 03.09.1997. But, the said writ petition was dismissed on 15.11.2001.

8. Thereafter, the respondent filed another application in O.A. No.157 of 2002 seeking transfer to the Operations Department. It was disposed of on 12.02.2002 merely with a direction to consider his representation. The representation was rejected on 25.03.2003 forcing the respondent to file yet another application in O.A No.802 of 2003. The said application was allowed by the Tribunal by an order dated 23.09.2004, as against which the Railway Administration has come up with the above writ petition.

9. At the time of admission of the writ petition, this Court appears to have granted a stay. Though the respondent filed a vacate stay petition in the year 2006, it has come up for hearing after 11 years, after the respondent reached superannuation. Therefore, the status today is that the order of the Tribunal cannot be implemented due to the retirement of the respondent in the meantime. The cause for which the respondent filed several applications before the Tribunal is now dead and gone. The prayer of the respondent before the Tribunal was for a direction to transfer him back to the Operations Department. But, now he has attained superannuation, making it not possible to transfer him to the Operations Department.

10. Hence, the Writ Petition is closed, recording the fact that the order of the Tribunal cannot be implemented at this stage. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

November 14, 2017
KTL