

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1530/99

New Delhi, this the 16th day of July, 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mr. R.K. Ahooja, Member (A)

Shri Buddhi Dass
Chauffeur
S/o late Shri Gindi Dass
C/o Consulate General of India,
Chicago, U.S.A.

...Applicant

(By Advocate: Shri S.D. Kinra)

Versus

1. Union of India,
through the Foreign Secretary,
Ministry of External Affairs,
South Block, New Delhi-110 001.
2. The Joint Secretary (Administration)
Ministry of External Affairs,
South Block, New Delhi-110 001.

...Respondents

(By Advocate: None)

ORDER (Oral)

By Reddy, J.-

Heard the counsel for the applicant. None appears for the respondents though notice has been served.

2. The applicant who was working in the Ministry of External Affairs as Chauffeur was transferred from the Ministry to the office of Consulate General of India, Chicago, U.S.A, by an order dated 17.6.96. In pursuance of those orders the applicant joined at Chicago. It is admitted that the transfer was for a period of three years. It is submitted by the learned counsel for the applicant that before the completion of three years of his stay in Chicago, applicant has made a representation to the

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authorities concerned and by an order dated 17.6.99 the applicant was permitted to continue to stay till 27.7.99 in Chicago.

3. The applicant filed this OA seeking relief for extension of stay in Chicago. The only ground raised by him is that his mother has been critically ill and she was already admitted in the hospital in Chicago. He also submits that the hospital authorities refused to discharge his mother due to her multiple medical problems. The applicant filed two certificates issued by the Oak Forest Hospital of Cook County, Chicago (Annexure A-3) dated 10.4.99 and the other is 24.6.99. Learned counsel, therefore, submits that since his mother is seriously ill and cannot be brought back to India, his request may be granted by this Tribunal to continue to stay in Chicago until his mother gets well.

4. No counsel appeared for the respondents, and no reply is filed.

5. The law is well settled that this Tribunal is not empowered to interfere with the order of transfer unless on the grounds of lack of jurisdiction or malafide. The only grievance of the applicant is the illness of his mother. It should be noticed that the applicant's original order of transfer itself indicated that his appointment was to be for a period of three years. He is well aware that he has to get back to India by 16.6.99. Any extension to be granted to the applicant would cost heavily to the Govt. of India in foreign exchange by way of

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providing suitable apartment and other amenities in Chicago. This is not a transfer from one place to other within India. The letter dated 20.4.99 clearly states that his representation for extension of his stay was considered and rejected by the Foreign Service Board. He was, therefore, aware that there was no way for him to stay beyond June 1999.

6. As stated above, our hands are tied to show any sympathy to the applicant. The provisions of the CAT Act do not confer any power to this Tribunal to interfere with the order of transfer on mere grounds of compassion~~ate~~ which is only the ground urged in this case. The representation has been considered by the employer of the applicant and was rejected. In view of this, we cannot interfere with the impugned order. The OA is, therefore, dismissed at the admission stage itself.

R.K. Aboaja
(R.K. Aboaja)

Member (A)

cc.

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)