

Central Administrative Tribunal
Principal Bench

O.A.No.893/99

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 21st day of April, 1999

Ashok Kumar Dubey
s/o Late L.N.Dubey
r/o RZ/B-23, Raghu Nagar
Pankha Road
New Delhi - 110 045. ... Applicant

(By Shri Jog Singh, Advocate)

Vs.

Union of India, through

1. Secretary
Ministry of Home Affairs
North Block
New Delhi.
2. Director
Intelligence Bureau(MHA)
North Block
New Delhi - 110 003. ... Respondents

O R D E R (Oral)

The applicant, who is working with the Intelligence Bureau, states that he contracted eye ailment which necessitated his treatment at AIIMS, New Delhi. During his posting at ITBF, Leh he had an attack of the same ailment and the Army doctors, after examining him, advised that he should not be posted outside the Headquarters. His grievance is that the respondents transferred him to Chandigarh and relieved him from his duties in April, 1998. On his representation he was allowed to stay at Delhi for another six months for receiving his treatment. Thereafter, a Medical Board was also called which advised that treatment for the ailment from which the applicant is suffering is available at Chandigarh also. However, in the meantime, the respondents first changed the transfer order to Amritsar and now to Bombay..

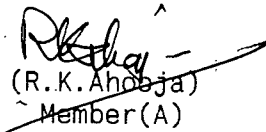
Or

2. The learned counsel for the applicant argued that the applicant had sought an audience with the Director to represent his case personally but the same has not been granted. Further more the respondents have in the meantime changed his transfer orders from Chandigarh, where treatment was available, to Amritsar and then to Bombay. The applicant has also submitted that inasmuch as his children are studying in Central School in Delhi, he is not in a position to leave till 5.5.1999.

3

3. Having considered the matter carefully, I do not find any scope for intervention by the Tribunal. It cannot be accepted that the treatment which is available at Delhi and Chandigarh, will not be available at Bombay. The difficulty in regard to the education of his children is valid but now that the academic session is over, it should not be difficult for the applicant to go to Bombay since Central Schools are also located in that city. As far as the question of audience with the Director is concerned this is the matter entirely for the respondents to decide. I have no doubt that as a model employer the respondents will give due consideration to any further representation, the applicant may wish to make, in regard to the date of his departure, the payment of advance TA and the release of his salary for the four months which the applicant submits that he has not so far received.

Subject to the above observations, the OA is disposed of. No costs.


(R.K. Ahuja)
Member(A)

/rao/

