

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA, No. 117/93

Date of hearing: 29.3.93.

D.R. Mehta

Applicant

Versus

Union of India

Respondents

Shri H.S. Bisht

Counsel for the applicant

Shri J.C. Madhan

Proxy counsel for the

learned counsel for the

respondents Shri

P.-H. Ramchandani

JUDGEMENT (Oral)

(delivered by Hon.Member(J) Shri C.J.ROY)

The applicant in this case is working with the respondents as Deputy / Director (Engineering) at Delhi. He is transferred from Delhi to Shimla by way of subsequent order dated 6.5.92. Originally, he was transferred to Shimla in the month of January 1993 and he was paid TA/DA advance of Rs.8000/- on 15.1.93. By virtue of change of transfer order in which, the name of the applicant also lies, the department wants to adjust the TA/DA amount, which was already paid to him in the original transfer order to Shimla and cancelled. The claim of the applicant that there are frequent transfers is borne out of

the record. The learned counsel drawn my attention to Annexure A-7 in which, a fresh transfer order is made on 14.7.92.

The learned counsel for the respondents states that this transfer order is in supersession of all transfer orders issued earlier. It is also seen from the record that the subsequent transfer to the Delhi office is upto 15.9.92. It is strange as to how this leave was sanctioned by the Delhi office when he is supposed to have been transferred on 14.7.92. However, following the guidelines laid down by the Gujarat Electricity Board Vs. Atma Ram and others that the applicant should join the place of posting and only then can he make representations, I direct the applicant to join the Shimla office and then make a representation to the respondents, making out all his grievances both personal as well as official. The respondents are directed to dispose of his representation within a period of 3 months from the date of receipt of his representation. The respondents are however, directed to treat the entire period of leave from the date of the original leave of the applicant till the date of joining the duty in accordance with the rules. The applicant be given one week's time to join at the Shimla office.

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In the conspectus of the above facts
and circumstances of the case, I do not order
any costs. The case is disposed of
accordingly.

✓
(C.J. ROY)

MEMBER(J)

29.03.1993