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Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.422 of 1988

Nain Singh Petitioner

Versus

Union of India & Others Respondents.

Hon.J.D.Jain, V.C.
Hon. Birbal Nath, A.M.

(By Hon.J.D.Jain, V.C.)

The petitioner is employed as Store Keeper in the Military Farm, Meerut. Vide order dated 29.2.88 he has been transferred to Military Farm, Bengdubi and he has been directed to proceed immediately to his new station of posting. He has challenged the impugned order primarily on the ground that according to the standing instructions of the Department no mid ^{term} transfers are permissible. He ^{has} averred that his five children except Km. Shashi Bala are studying in different Central Schools at Meerut. Km. Shashi Bala is of course studying in B.Sc. Final in R.G. College, Meerut and she is to appear in C.P.M.T. so he wants that the impugned order be stayed till the academic session of his children ^{is} over.

2. Shri K.C. Sinha who is present in Court and accepts service after hearing the parties we are of the view that the impugned order will work hardship on the petitioner to the extent that he is directed

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to report on duty on new station of posting forthwith. It will certainly hamper and even harm the study of the children whose examination is likely to be held in this month or next month. Under the circumstances we feel ^{it} just and proper that the operation of the impugned order is stayed by two months i.e. ^{4/5} 31.5.1988. whereafter the petitioner shall join his new station of posting. Hence we order accordingly.

3. It may be that the examination of all the children may not be over but in that case the petitioner may leave his family ^{here} and he can himself report for duty. In case he fails to do so it will be open to the respondent to take any disciplinary proceeding against him. With these observations we dispose of this application finally. A copy of this order be given to Shri K.C. Sinha, the learned counsel for the respondents.

5/4/88
Member (A)

J. Dain
Vice Chairman

Dated the 5th April, 1988

RKM