

O.A./53/86

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. J.N. Murthy .. Judicial Member

O R A L - O R D E R

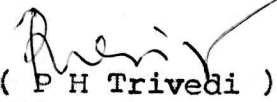
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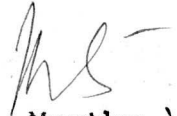
Per : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

Heard learned advocates Mr. S.V. Raju, Mr. J.D. Ajmera and Mr. V.S. Mehta for the applicant and the respondents respectively. Mr. Raju, learned advocate for the petitioner stated that while the petitioners have no objection to the Unit of the administrative being changed from All India to the Collectorate, He limits his cause only to the transfer on request outside the collectorate intailling a loss of seniority. His plea is that prior to the change the orders dated 31.3.1986 the petitioners staff was having All India transfer liability and accordingly when on request transfers were allowed, there was no loss of seniority. However, after the said orders, if on request the transfers are allowed, there would be very considerable loss of seniority. The cause of the petitioner, ^{do} limited is that so far as the employees prior to 31.3.1986 are concerned it is conceded that ^{while} transfer on request being allowed ^{which is a prerogative} is a matter ~~of~~ ^{within the purview} of Government, they should not suffer any loss of seniority by virtue of the said orders if an ^{the} when authority allowed ^{any} ~~such request~~ ^{on request} on transfer. We note that the instruction dt. 31.3.1986 are not statutory rules and not even executive instructions in the form of notification to the public but a communication to all heads of department. Without arriving at any conclusion, appears to us that there is merit in the plea of the petitioner that the limited cause which he now presents deserves consideration. Accordingly, the petitioner is allowed to make a representation within one month.

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from the date of this order to the Ministry of Finance Department of Revenue, and it is directed that on their doing so, the said Ministry disposes of the representation by an appropriate orders within five months thereof. The petitioner is at liberty to agitate any case that is left by a fresh petition. Accordingly the petition is disposed of.


(P H Trivedi)
Vice Chairman


(J N Murthy)
Judicial Member

*Mogera