

1. Mrs. S.M. Solanki
R/o. Nirmal Park Society,
Near Pani-ni-Tanki, Saraspur,
Ahmedabad.
2. Mr. V.C. Mistry,
R/o. Flat No. E/2, Swastik
Apartment, Vasana, Barrage Road,
Paldi, Ahmedabad.
3. Kumari S.J. Panchal,
R/o. 35, Laxminagar Society,
Old Airport Road, Meghaninagar,
Ahmedabad.
4. Kum. N.A. Pachegaokar,
(Mrs.) N.K. Bhagwat,
R/o. Withthal Mandir,
Near R.L. Swimming Pool,
Bhadra, Ahmedabad.

.. Petitioners

Versus

1. Union of India
Notice to be served upon
Secretary, Telecom,
Ministry of Telecommunication,
New Delhi.
2. General Manager,
Telecom, Gujarat Circle,
Ahmedabad.

.. Respondents.

ORAL ORDER

Date: 24/2/1989

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

Heard Mr. R.C. Kodekar and Mr. J.D. Ajmera learned advocates for the applicants and the respondents. The petitioners' case is that Smt. S.J. Panchal was transferred by the same orders dated 29/1/1987 in which Shri A.H. Sharma was also transferred and in the case of Shri Sharma, this Tribunal has decided on 9/10/87 that the transfer order deserves to be upheld. The fact is that the case of the present petitioners being closely analogous to those cases in which the judgment referred to was given, and in fact that the petitioners being also covered by the same orders of transfer which were impugned in the case covered by that judgment, the petitioners also be given the same relief. Against this, the

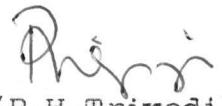
learned advocate for the respondent, states that the petitioners in this case have chosen to come to the Tribunal for relief after a considerable laps of time, after accepting and putting up with the transfer, while in the case of Shri Sharma, ~~is that~~ he has approached the Tribunal within a short time although after reporting at Surat. Whatever may be the merits of the petitioners' case in ~~the~~ circumstances giving any relief at this stage would be ^{order of} unsettled the settled things, and therefore the respondents would resist the petition.

We find the considerable merit in the respondents' stand that the petitioners have waited for the decision in OA/326/87 and although the order of transfer ^{is} dated 29/1/1987, they have applied only on 28/4/1988 more than one year after the said order. Besides, it is also found that without joining themselves as a party in that case they are seeking relief for a decision arising from that case. Learned advocate for the petitioners states that they have earlier approached the respondent authorities and they waited for a decision in OA/326/87. Accordingly, they waited and now have come in the Tribunal for relief. We find that the petitioners having accepted and putting up with the transfer for almost little less than half the period, for which ⁱⁿ the normal course a person is retained in one post, it would ~~be~~ not be fair to unsettled the order of things which have been brought about by a transfer order for more than year ago. However, we would urge the respondents to keep in view the decision in the case referred to ~~in~~ ordering any further transfers in future

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and for this purpose as and when the petitioners merits being sent back to Ahmedabad, the matter may be given due consideration. With these observations, no merit found in the petition and accordingly disposed of. No order as to costs.


(P.H.Trivedi)
Vice Chairman

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