

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

A H M E D A B A D B E N C H
 XXXXX XXXXX XXXX

(1)

O.A. No.

230

1990

XXXXXX

DATE OF DECISION 11.7.1990Chandrakant Chhotabhai Patel PetitionerMr. B.V. Antani Advocate for the Petitioner(s)

Versus

Union of India & Anr. RespondentMr. N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh Administrative Member

The Hon'ble Mr. N.R. Chandran Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Chandrakant Chhotabhai Patel,
Pharmacist,
Baroda Division,
Western Railway Health Unit,
Nava Yard,
Vadodara.
(Advocate-Mr. B.V. Antani)

.. Applicant

Versus

1. Union of India,
Through,
General Manager, W.Rly.,
Churchgate, Bombay.
2. Divisional Rail Manager,
W.Rly., Baroda Division,
Pratapnagar, Vadodara.
(Advocate-Mr. N.S. Shevde)

.. Respondents

CORAM : Hon'ble Mr. M.M. Singh .. Administrative Member

Hon'ble Mr. N.R. Chandran .. Judicial Member

O.A. No. 230 of 1990
O R D E R

Date : 11.7.1990

Per : Hon'ble Mr. N.R. Chandran .. Judicial Member

The applicant was originally belonged to Ajmer Division and was transferred to Baroda Division. The order of transfer clearly says that the transfer was at his own request. Therefore he was treated as a junior most in Baroda Division. He came to this Tribunal and challenged his placement in seniority at the bottom on the ground that it was not a transfer at his own request but it was mutual transfer. This Tribunal entertained the application in OA/668/88 and by order dated 17.4.1989 directed the competent authority to dispose of the representation which was pending at that time. Pursuance to this order, the respondents have, now passed final order on 20.9.1989. In the order, the respondents have clearly stated that earlier order of transfer was at his own request and with clear understanding that he will be placed at the bottom in the seniority list and therefore he was placed at the bottom in the

seniority list. The applicant now once again approached this Tribunal against the order reiterating the same contention urged in the earlier application. According to the learned counsel for the applicant, the order of transfer cannot be considered to be at his own ~~own~~^{in request} and he was not asked to fill the form A. We are unable to agree with this contention of the applicant that the transfer was not at his own request. The order dated 6.3.1979 clearly states that the order transferring him to Baroda at his own request. The applicant accepted the order and joined the Baroda Division. If the order of transfer was not at his own request, in all probability he would have ^{IMMEDIATELY} challenged the recital in the order of transfer dated 6.3.1979 as contrary to facts. This he did not do. He is raising the issue only now, by moving this Tribunal in the year 1988. We are of the view that it is not open to the applicant, having taken the order dated 6.3.1979, to contend that the transfer was not at his own request, at this length of time. Hence there are no merits in the application. Accordingly, the application is dismissed.

N R Chandran

(N R Chandran)
Judicial Member

M M Singh

(M M Singh)
Administrative Member