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IN THE CENTRAL ADMINISTRATIVE TRIAUNAL

AHMEDABAD BENCH

NO
Transfer

O.A. No. 441 OF 1990.

~~Ex-Ax Nox~~

DATE OF DECISION 30-3-1993.

Shri Mahendra Ganeshbhai Patel, Petitioner

Mr. B.B.Gogia, Advocate for the Petitioner(x)

Versus

Union of India & Ors. Respondents

Mr. Akil Kureshi, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

The Hon'ble Mr.

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 ? ✗

Shri Mahendra Ganeshbhai Patel,
Hindu, Adult, Aged about 34 years,
Occupation : Service,
Address: V.K. Patel,
Kashi Nivas,
Old Society,
LIMBDI - 363 421.

..... Applicant.

(Advocate:Mr.B.B.Gogia)

Versus.

1. Union of India
through: Secretary,
Telecom Department,
Government of India,
New Delhi.

2. Chief General Manager
Telecommunications,
Gujarat Circle,
Ahmedabad.

3. Dy.Telcom District Engineer
Bhavnagar District,
Bhavnagar.

..... Respondents.

(Advocate: Mr. Akil Kureshi)

ORAL ORDER

O.A.No. 441 OF 1990

Date: 30-3-1993.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. B.B.Gogia, learned advocate for
the applicant and Mr. Akil Kureshi, learned advocate
for the respondents.

2. This application under section 19 of the
Administrative Tribunals Act, 1985, is filed by the
Telephone Operator, at present working under Rajkot
Division, seeking the reliefs as under:

"A) The respondents may please be directed
not to act upon or further act upon to
implement the impugned order at
Annexure A/3, A/4 and A/2. The

respondents may be further directed to permit the applicant to discharge his duties at Botad, setting aside the impugned transfer orders at Annexure A/3 and A/4 and declaring the same as illegal, ineffective, null and void. In alternative without prejudice to the above the respondents may please be directed to transfer the applicant to Surendranagar District as Telephone Operator.

- B) Any other better relief/s as deemed just and proper by the honourable Tribunal looking to the facts and circumstances of the case may please be granted to the applicant.
- C) The cost of the application may please be awarded to the applicant from the respondents.

3. The respondents have filed detailed reply controverting the averments made in the application. The applicant has also filed rejoinder affidavit. At the time of hearing of this application, the learned advocate for the applicant submitted that the applicant had made an application dated 22nd March, 1990 to the Director of Telecom Ahmedabad showing his willingness to transfer at Limbdi because according to him, four posts were vacant at Limbdi Telephone Exchange. The learned advocate for the respondents submitted that no doubt such application was made as stated by the applicant in his application, but the same being not in order the respondents intimated to the applicant vide letter dated 26th April, 1990 to apply in prescribed proforma. The learned advocate for the applicant submits that there is no ~~format~~ for such request transfer.

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4. After having heard the learned advocates and specially the submission of the learned advocate for the applicant that the applicant's mother residing at Limbdi, is aged about 70 years and is ailing and the applicant is ready to make another representation to the respondents requesting him to transfer to Limbdi, ~~but that~~ ^{which} may not come in the way of the time limit on the grounds that his first application dated 23rd February, 1990 was not in order. He submitted that the first application dated 23rd February, 1990, Annexure A-5, may be considered along with the new application which the applicant may make for the purpose of priority to his transfer to Limbdi under such circumstances. I, therefore, pass the following order :

O R D E R

The applicant is directed to make a request transfer to Limbdi as per rules to the competent authority of the respondents within 14 days from today and on receipt of such request transfer application, the respondents competent authority may consider the said application along with his previous application dated 22nd March, 1990 on priority basis and if there is a post vacant at Limbdi Telephone Exchange and if it is possible to transfer him at that place then considering the age of the ailing mother of the applicant the respondents may consider the applicant's application for transfer at Limbdi but in case

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there is no vacant post at Limbdi, the applicant may be considered for transfer at any place in Surendranagar District where the post is vacant.

The representations of the applicant be disposed of as directed above within two months from the receipt of such request transfer. The application is disposed of accordingly with no order as to costs.


(R.C.Bhatt)
Member (J)

vtc.