

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
A H M E D A B A D B E N C H  
N E W D E L H I

O.A. No.  
To xx No.

82

1990

DATE OF DECISION 20.4.1990

Hafiz Ahmedmiyan Kazi **Petitioner**

Mr. J.J. Yajnik **Advocate for the Petitioner(s)**

Versus

Union of India & Ors. **Respondent**

Mr. J.D. Ajmera **Advocate for the Respondent(s)**

## CORAM :

The Hon'ble Mr. N. Dharmadan .. .. .. Judicial Member

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

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

O.A. No. 82 of 1990

Hafiz Ahmedmiyan Kazi,  
Gir-Gadhda Post Office,  
At Gir-Gadhda,  
Dist. Junagadh.  
(Advocate-J.J. Yajnik)

66  
.. Applicant

Versus

1. Union of India,  
Through  
The Secretary,  
Ministry of Telecommunication,  
Parliament Street,  
New Delhi.
2. Supdt. of Post Offices,  
Junagadh Division,  
Mahatma Gandhi Marg,  
Junagadh.
3. Inspector of Post Offices,  
Una,  
Dist. Junagadh.  
(Advocate-Mr. J.D. Ajmera)

.. Respondents

CORAM : Hon'ble Mr. N. Dharmadan .. Judicial Member

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

O R D E R

Date : 20.4.1990

Per : Hon'ble Mr. N. Dharmadan .. Judicial Member

The applicant is working as a Mail peon under the third respondent. His grievance in this application arose after his transfer from Gir Gadhda to Div. According to the applicant, this place is very near to sea-shore and if he is allowed to work there, it would affect his health. Hence he has submitted representations requesting that he may be transferred to any other place in Junagadh District. Annexure A-2 is his request for such transfer.

 The prayer in the O.A. reads as follows:

"The Hon'ble Tribunal may be pleased to direct

S. F.

the respondents No. 2 and 3 herein to refer the petitioner to the Medical Board, Ahmedabad, forthwith and to finalise the leave reports and representation of the petitioner for transferring him to a place away from the sea-shore and having no humid atmosphere, forthwith, within 15 days of receipt of such report from the Medical Board."

This prayer cannot be granted on the facts and circumstances of this case. The applicant has not produced the transfer order passed by the respondents in 1988. The respondents have a case that the applicant is not joining at Div as per the transfer order. This issue is not before us for consideration. Hence we are not expressing any view on the matter. Of course it is for the respondents to enforce their orders.

But we may observe that if the applicant submits a fresh representation before <sup>an</sup> <sup>in</sup> competent authority placing his grievances and requests for posting in a place in Junagadh District, the authority may consider and dispose of the same in accordance with the law. With this observation, we dismiss the application. There will be no order as to costs.

*M. M. Singh*

( M M Singh )  
Administrative Member

*N. Dharmadan*

( N Dharmadan )  
Judicial Member

St- 135/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.

RA/M.A/Q.A./T.A./ 10 1980 in 07/82/90

Shri H.A. Kazi Applicant (s).

Mr. J.S. Vajnik Adv. for the  
Petitioner (s).

Versus

Union of India & ors Respondent (s).

Mr. J.D. Ajmera Adv. for the  
Respondent (s).

SR. NO.	DATE.	ORDERS,
	10/4/90	Review (Copy served to other side).  Officed at 10/4/90.

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD.

Submitted ;

C.A.T./JUDICIAL  
SECTION.

Original Petition No. : \_\_\_\_\_ of \_\_\_\_\_.

*Review*  
Miscellaneous Petition No. 10 of 1990.

shri H.A. Kazi Petitioner(s).

Versus.

U.O. T & ORS

Respondent(s).

This application has been submitted to the Tribunal by Shri T.T. Vajrnik under Section 19 of the Administrative Tribunal Act, 1985. It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunals Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The application has been found in order and may be given to concerned for fixation of date.

The application ~~has~~ not been found in order for the ~~same~~ reasons indicated in the check list. The applicant may be advised to rectify the same within 21 days/Draft letter is placed below for signature.

- ① Application is not signed by the petitioner
- ② Necessary verification is not executed
- ③ Copy of order dt. 4/9/90 not filed  
we may inform accordingly.

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Sect  
DYA(D)

*AM*  
[CUSA  
05/04/90]

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[CUSA  
05/04/90]

*AM*  
[CUSA  
05/04/90]

J. J. Yajnik  
Advocates

To

Registers

(A.T.)

Abcd

I undertake to  
remove all office objection  
within a week today Sub M. A  
for  
H. J. Yajnik  
Advocate  
9.5.90.

M. A. for  
urgent orders

Sd/-

The  
for review

Board on  
my order  
beliefs

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above

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G.C. 90 for

As int.

required

You

J. J. Yajnik

J. J. Yajnik

S. C. 90.

st 135/90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AT AHMEDABAD.

R.M.A. 10/90

in

O.A.82 of 1990.

*Copy served to  
A.P.S. D. Amin  
H.O.T.*  
H.A.Kazi... . . . . . . . . . Petitioner

V/s.

Union of India... . . . . . . . . Respondent

MOST RESPECTFULLY SUBMIT THAT:-

1.... The petitioner is a patient of Asthma and he made representation to the authorities for sympathetic consideration of his case and grant of leave as well as for sending him to Medical Board Ahmedabad for making proper report.

2... The applicant states accordingly he was sent to Civil Surgeon, ~~Una~~ Una who orally told to the petitioner that his case is referred to Medical Board. Hence the applicant requested for being referred to Medical Board for Medical Check-up.

3... The petitioner states that he is ready and willing for being posted any where in Gujarat - except on Coastal territories. The Medical Board Report would prove the health condition of the petitioner. In this circumstances the petitioner

submits that his case be reviewed and appropriate orders for admission and interim relief be passed. The petitioner and his Advocate could not remain present on account of unavoidable circumstances. Hence prays that:

- (1). the order passed on 4.4.1990 rejecting the application be reviewed and the petition be admitted and interim ~~or~~ relief as prayed for in O.A. be granted.
- (2). to grant such other and further relief.

  
J. T. Yagnik

Place: Ahmedabad

Date: 5.4.1990

-----  
Advocate for the petitioner

J. T. Yagnik  
Second Advocate for Petitioner  
Second set & spares  
copy served/not served to  
- side

  
C. K. Reed

W 14/56 By Registrar C.A.T.O  
Ahmedabad Bench

R.A./10/90

Coram : Hon'ble Mr. A.V.Haridasan

: Judicial Member

Hon'ble Mr. M.M.Singh

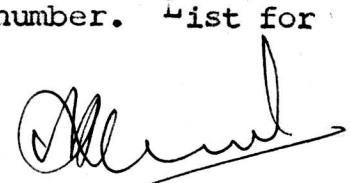
: Administrative Member

10/4/1990

We have gone through the review application. We are convinced that the order ~~have~~ <sup>has</sup> been erroneously made. Hence the review application is allowed and ~~the O.A.~~ restored ~~the O.A.~~ to its original number. List for hearing on admission.

M. M. Singh

(M.M.Singh)  
Administrative Member



(A.V.Haridasan)  
Judicial Member

a.a.b.

All communications should  
be addressed to the Registrar,  
Supreme Court, by designation,  
NOT by name.  
Telegraphic address :-  
"SUPREMECO"

D. No. 45/92/Sec. IX

9  
SUPREME COURT  
INDIA

Dated New Delhi, the.....4th February, 1992.....19

FROM

Assistant Registrar,  
Supreme Court of India.

Administrative Tribunal  
Ahmedabad Bench  
Inward No.....4208  
Date.....10-02-92

TO

✓ The Registrar,  
Central Administrative Tribunal,  
Ahmedabad Bench.  
(O.A. No. 82/90)

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 1805 OF 1992

Bafiz Ahmedmiyan Kazi  
Versus

.. Petitioner

Union of India & Ors.

.. Respondents

Sir,

I am directed to forward herewith for your information  
and necessary action a certified copy of the Record of  
Proceedings of this Court dated 24th January, 1992 in the  
matter above-mentioned.

Please acknowledge receipt.

Yours faithfully,

ASSISTANT REGISTRAR

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ML (S.R.G)  
7/4

**SUPREME COURT OF INDIA**  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil/No. ..../92 (CC 15542)

(From the judgment and order dated 20.4.90 of the High Court of C.A.T.  
Ahmedabad Bench in OA No. 82/90

Hafiz Ahmedmiyan Kazi

Petitioner (s)

Versus

363321

Union of India & Ors.  
with I.A.No.1 (Appln. for c/delay in filing SLP) Respondent (s)

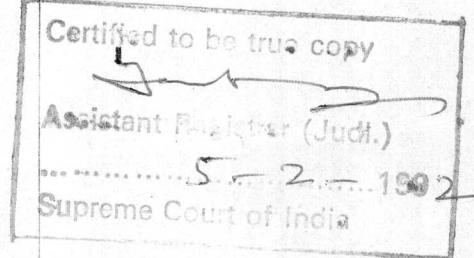
Date: 24.1.92 This/these petition (s) was/were called on for hearing today.

CORAM:

Hon'ble Mr. Justice R.M. Sahai  
Hon'ble Mr. Justice S. Mohan  
Hon'ble Mr. Justice

For the petitioner (s) Ms. Manjula Gupta, Mr. T S N Chari, Advs.

For the respondent (s)



UPON hearing counsel the Court made the following  
ORDER

Delay condoned.

We have heard learned counsel for the petitioner.

We do not find any merit in the petition. It is accordingly dismissed, but as directed by the Tribunal the representation of the petitioner which is stated to be pending before the appropriate authority shall be disposed of within two months from the date of copy of this order to be produced. The authority shall consider whether the petitioner ~~can~~ be posted at a place other than the ~~area~~ <sup>Coastal</sup> area.

*S. Talwar*  
(SUNITA TALWAR)  
COURT MASTER

*V. Kumar*  
(VINOD KUMAR)  
COURT MASTER

*General Master*  
*25/1/92*