

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH**

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CAUSE TITLE OA / 7 / 90 OF 198.
NAMES OF THE PARTIES B. M. Parmar

VERSUS

Union of India & Ors. (Telecom)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.

RA/M.A./O.A./ T.A./ 7 ⁹⁰ 1980

D m Parmar Applicant (s).

I m Pandya Adv. for the
Petitioner (s).

Versus

Union of India Respondent (s).

J D Sharma Adv. for the
Respondent (s).

| SR NO. | DATE. | ORDERS, |
|--------|-------|---|
| | | Transfer (Copy not served) |
| 2-2-80 | | RPAD received from Resp no 2 (16-1-80) RPAD Recd from Resp 133 (29/01) |
| | | -> Vakalat-patra filed by Mr. R.K. Mishra, adv. for Resp. no.3. |
| | | -> Reply filed by Mr. J.D. Sharma, adv. for Resp. |
| | | <u>ay</u> 13/2 |
| | | RPAD Recd from Resp.3 (21/02) |
| | | -> Rejoinder filed by Mr. G.M. Pandya, adv. for applicant. |
| | | <u>ame</u> 22/2 |
| | | RPAD Recd from Resp.1 (07/03) |

| SR NO. | DATE. | ORDERS. |
|--------|-------|--|
| | | <p>→ Affidavit is Reply filed by Mr. R.K. Mishra, adv. for resp. no. 3. <u>any</u> 9/3</p> <p>→ Affidavit is Rejoinder filed by Mr. S.M. Pandya, adv. for applicants. <u>any</u> 8/3.</p> <p>→ Letter received from resp. no. 3. kept with papers. <u>any</u> 15/3</p> |

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

4/1/1990

Mr.I.M.Pandya, learned advocate for the applicant in OA Stamp No.3/90 mentions that he has to make an urgent mention praying for ad-interim relief against the implementation of the order of transfer in respect of the applicant Mr.D.M.Parmar. In file ~~it~~ reveals that the order of transfer has already been implemented by relieving the applicant on 15.12.89. Hence so far as the question of relief on transfer is concerned, there is no scope for ad interim relief. The matter may be dealt with in a normal manner.

M. M. Singh
(M.M. Singh)
Administrative Member

a.a.bhatt

O.A./7/90

(2)

D.M. Parmar

.. Applicant

Versus

Union of India & Ors.

.. Respondents

CORAM : Hon'ble Mr. G.S. Nair .. Vice Chairman

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

Counsel for the applicant : Mr. I.M. Pandya

Counsel for respondent No.1 & 2 : Mr. J.D. Ajmera

Counsel for respondent No. 3 : Mr. R.K. Mishra

O R A L - O R D E R

Date : 20.3.1990

Per : Hon'ble Mr. G.S. Nair .. Vice Chairman

Heard Mr. I.M. Pandya, Mr. J.D. Ajmera and Mr. R.K. Mishra, learned counsel on either side. The relief claimed is to hold that the orders dated 15.12.1989 under which the applicant has been transferred from Bareja to Dhandhuka is illegal and for a direction to the second respondent to cancel the same. It is further prayed that the second respondent be directed to transfer the third respondent as he is the junior most Telephone Operator at Bareja.

2. The admission of the application is opposed both by the third respondent as well as by the respondents No. 1 and 2.

3. Having heard the counsel on either side we are not satisfied that there is a case for admission.

4. The respondents No. 1 and 2 have clearly

(3)

stated in the reply that the transfer has been ordered in the exigency of service. The solitary ground on which the counsel of the applicant attempted to challenge the order is, since the transfer is on the ground of the staff having become surplus, the junior most should have been transferred. This plea has been made on the ground that the third respondent who is junior to the applicant has been retained. It was stated by the counsel for the respondents No. 1 and 2 that it is in consonance with the norms and having regard to the fact that six Telephone Operators have become surplus among whom the applicant is the third in point of juniority, that the transfer has been ordered. Though it is admitted that the third respondent is junior, the respondents No. 1 and 2 have pointed out the circumstances under which the third respondent has not been transferred. It is stated that the third respondent on his request was transferred to this station only a year ago and the said transfer was made on humanitarian grounds. Admittedly, the applicant has been working in the station for the last seven years and the normal tenure is only three years.

Applicant

In the circumstances, we reject the petition.

M M Singh
(M M Singh)
Administrative Member

G S Nair
(G S Nair)
Vice Chairman