

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

RA/M.A./O.A./ T.A./ 9 1990

Dungar Makna & Co Applicant (s).

P H Pathak Adv. for the
Petitioner (s).

Versus

Union of India & Co Respondent (s).

B R Gada Adv. for the
Respondent (s).

SR NO.	DATE.	ORDERS.
		CL Transfer (Copy Served)
	12/1	P. H. Pathak notice to P. A. G. & Co. Pending Admission
12-2-90		RPAD Recd. from Resp no. 2 (18-1-90) RPAD Recd from Resp 183 (29/01)
12/4/90		This matter is not placed on board of 12/2/90 due to leave note from Mr P H Pathak.
15/2/90		RPAD RPAD Recd from Resp. 2 (09/03)

O. A. 9/90

CORAM : HON'BLE MR. M. M. SINGH .. ADMINISTRATIVE MEMBER.

11.01.1990

and
Mr.P.H.Pathak, the learned advocate for the applicants, has filed sick note. In the meantime notice may be issued to the respondents to reply within one month ^{on h} ~~and~~ interim relief had ~~on~~ merits. Registry may take necessary action. The case may be listed thereafter.

h h Singh

(M. M. Singh)
Administrative Member.

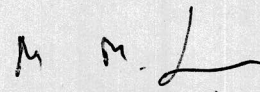
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O.A./9/90

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

15.2.1990

Mr. B.R. Kyada, learned advocate for the respondents mentions that Mr. P.H. Pathak, learned advocate for the applicant being unwell, ^Mhe is unable to attend today. The case is therefore adjourned. The case be posted sometime in the next week for admission. The respondents have already filed a reply on 25.1.1990.


(M M Singh)
Administrative Member

*Mogera

O.A./9/90

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

21.2.1990

Mr. P.H. Pathak, learned advocate for the applicants has sent a sick-note. The case is adjourned. It may be listed sometime in the next week.

M M Singh
(M M Singh)
Administrative Member

*Mogera

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O.A./9/90

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

28/2/1990

Heard Mr.P.H.Pathak, learned advocate for the applicant. Perusing the reply dated 25.1.1990 by the respondents, their contention is that instead of a mere transfer order infact it is an offer of job to the applicants at a different place as work has come to an end at the present place of their work. In view of this contention of the respondents, learned advocate for the applicants ^{Mr. Shrivastava for Mr. B.R. Khandu} as well as for the respondents fairly concede that the impugned order has to be correctly worded to reflect the purpose behind it which has been brought out by the respondents in their reply. The applicants will be, after offer of alternative job is made to them, free to decide, keeping in view their own interest, whether they should accept the offer or not. Equally the respondents also will be required to take proper decision in view of the stand the applicants may take.

2. In view of the above, the application is admitted and hereby disposed of with the following order:

3. The respondents are hereby directed to make the impugned order dated 5.1.1990 (Annexure-A) consistent with their following reply:

"It may be mentioned that the applicants involved in the present application are the juniormost persons in their artisan category and the respondents will be left with the worst choice of terminating their services after complying with the provisions of Industrial Disputes Act 1947 in case they decline to move to Ajmer where work is available for them to do. The applicants are in receipt of quite handsome salary despite the fact that they have little educational background and in face of the mounting unemployment amongst the educated masses, they should consider themselves lucky that they are employed and more so that the Employer has taken care not to snatch their very means of livelihood and has offered them work at a new place - Ajmer - with continuity of service, all benefits accruing out the said services- and of course maintaining their seniority on their

originating division. Instead of being grateful to the respondents for their act of finding the applicants work in their respective category by transferring them to Ajmer, the applicants have moved the present application praying stay, which is counter-productive".

4. The respondents are further directed to take the applicants back on duty from the date they were relieved on transfer, ^{or} full wages they would have received had they not been relieved on transfer in terms of the impugned order dated 5.1.1990.

5. The respondents are directed to comply with the above directions within 30 days of this order.

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