

*Transfer*  
*Threatened*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 AHMEDABAD BENCH  
 NO. XXXXXXXX

O.A. No. 209 OF 1991 **488**  
ExxxxNxx

DATE OF DECISION 30-5-1991

Nilkanth Janakrai Vasavada, Petitioner

Mr. S.V.Raju Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent(s).

Mr. M.R.Raval for Mr.P.M.Raval, Advocate for the Respondent(s)

**CORAM :**

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

The Hon'ble Mr. S.Santhana Krishnan, Judicial Member.

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

Nilkanth Janakrai Vasavada,  
residing at 'Saguna',  
Vaishali Apartment,  
3rd floor, Nagar Road,  
Junagadh.

2  
.... Applicant.

(Advocate: Mr. S.V.Raju)

Versus.

1. Union of India,  
Notice to be served on  
the Secretary,  
Telecommunication Dept.,  
New Delhi.

2. Telecom District Manager,  
Telecom Building  
Genda Agad Road,  
Junagadh.

3. Assistant Engineer, Phones,  
'Telecom' Building,  
Genda Agad Road,  
Junagadh.

..... Respondents.

(Advocate: Mr. M.R.Raval for  
Mr. P.M. Raval)

ORAL ORDER

O.A.No. 209/91

Date: 30-5-1991

Per: Hon'ble Mr. M.M.Singh, Administrative Member.

Applicant and counsel not present. Mr. M.R.Raval learned counsel mentiones for Mr. S.V.Raju, learned counsel for the applicant, that due to some personal work Mr. Raju is not able to attend.

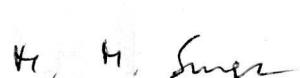
2. Going through the application we find that there is no need to adjournment this matter.

3. This application under section 19 of the Administrative Tribunals Act, 1985, has been filed by the applicant Telephone Operator who is posted in the Telecom Department at Junagadh. The applicant alleges that his wife is also working and posted at Junagadh as Telephone Operator and that he was abused by Telephone Operator Mr. V.H.Chandarana on telephone about which incident he informed the Assistant Engineer and Telecom District Manager. They asked him to give

his complaint in writing which the applicant did. It is further alleged that instead of taking action against the said Mr. Chandarana, the applicant is being sought to be transferred on account of the complaint he made. Para 4.5 of the application specifically says that the applicant has not yet been served with the proposed transfer order dated 2.5.91 and therefore the applicant is not in a position to file a copy of the same.

4. It is apparent from the above material in the application that due to some interpersonal problems between the employees of the office of the applicant the respondents have undertaken an inquiry on the ~~com~~ complaint of the applicant. The applicant apprehends that he may be transferred in connection with or as a consequence of that inquiry. The stage of this apprehension is not a proper stage to approach this Tribunal. No order of transfer of the applicant has been served on him and he merely apprehends that one may be served on him in the future and he also presumes that such an order is to be served on him only because he gave a complaint above mentioned against his colleague. <sup>and</sup> Thus both the apprehended order ~~are~~ the presumed grounds for it when served on the applicant are in the realm of imagination of the applicant which do not give rise to a proper cause under section 19(1) of the Administrative Tribunals Act, 1985 to file an application for redressal of grievance. There is no proper cause of action in the application. The application is rejected.

  
(S. Santhana Krishnan)  
Judicial Member

  
(M.M. Singh)  
Admn. Member

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