

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~NEW DELHI~~

(2)

O.A. No. Stamp No. 348 of 19891
~~T.A. No.~~

with

M.A./309/91

DATE OF DECISION 29.8.1991

OA/320/91

Gulabsanker Premsookh

Petitioner

Mr. J.S. Yadav

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. B.R. Kyada

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh

.. .. Member (A)

The Hon'ble Mr. R.C. Bhatt

.. .. Member (J)

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?

Gulabshanker Prem Sukh,
Quarter No. 176/D,
Gandhidham Rly. Colony,
Kutch.
(Advocate-Mr. J.S. Yadav)

.. Applicant

Versus

1. Union of India,
Through :
General Manager, W.Rly.,
Churchgate,
Bombay.
 2. Station Superintendent,
Gandhidham Station,
Gandhidham. Kutch.
 3. Divisional Railway Manager,
Western Railway,
Ajmer.
 4. Divisional Mechanical Engineer (Estt)
Ajmer.
(Advocate-Mr. B.R. Kyada)
- .. Respondents

O.A. Stamp No. 348/91

with

M.A./309/91

O R A L - O R D E R

Dated : 29.8.1991.

Per : Hon'ble Mr. M.M. Singh : Member (A)

The applicant Shri Gulabshanker Prem Sukh appears in person. His advocate is not present. The M.A./309/91 is for production of a letter dt. 21.8.1991 from the office of the Diesel Foreman, Gandhidham to Diesel Foreman, Phulera intimating relief of the applicant on transfer and the first sentence in it says "The above named has been spared on transfer.....".

2. The above letter is allowed to be produced.

3. Learned counsel Mr. N.S. Shevde, appears for

Mr. B.R. Kyada, learned counsel for the respondents.

4. We are pained to observe that on 19.8.1991 when ^{the O.A. stamp} ^{by learned counsel for the applicant} this application was called on mention^{office} the application was under objection which objection, we are told, has yet not been removed.

5. Despite the above situation, we have, as an exceptional case, taken up this application which is still marked as O.A. Stamp for want of removal of objection ^{prayed for} for considering interim relief in para VIII of the application.

6. The letter dt. 21.8.1991, is from its particulars, ^{on transfer} an intimation of relief of the applicant, given by the office of the Diesel Foreman, Gandhidham to Diesel Foreman, Phulera. We find that the copy of it was not marked to the applicant though by virtue of ^{his} relief as a result of this ^{intimation} ~~order~~, the transfer is sought to be carried out. The contents of the transfer order are alleged to have ^{been} not brought to the notice of the applicant and no such order ^{has} have been served ^{on him}.

7. For want of service on the applicant of order of transfer, he is deprived of his right under section 19 of the Administrative Tribunals Act, 1985 to make an ^{application against it} ~~representation on such letter~~ though he is relieved on transfer ^{as} such has to be inferred from ^{the contents of the} intimation given by the office of Diesel Foreman, Gandhidham to Diesel Foreman, Phulera which intimation cannot be substituted for a regular order of transfer ^{which has to be} ~~provided to the applicant~~.

8. We, therefore, direct ^{that the} applicant be not taken as having been relieved as a result of intimation as above and he shall be continued in service at his place of posting viz. Gandhidham from where he was sought to be relieved by

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virtue of above letter of intimation to go to Phulera.

and ^h

of transfer ^h

9. As when a proper order is served on the applicant, ^{we same shall remain under} though order says removed, stay for a period of 7 days to enable the applicant to approach the ^{tribunal} court against it ^{if} he so wishes.

10. By virtue of our above order O.A. Stamp No. 348/91 is also disposed of. The O.A. Stamp No. 348/91 be given a regular number.

11. The applicant is allowed to serve this order by Dasti.

R C Bhatt

(R C Bhatt)
Member (J)

M M Singh

(M M Singh)
Member (A)

28/07/91