

Transcripts

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No.

218 OF 1992.

~~TA. No.~~

DATE OF DECISION 10.06.1992.

Shri Parsottam Uka Petitioner

Shri Tamim Ansari Advocate for the Petitioner(s)

Versus

Union of India and Ors. Respondent

Shri R.M.Vin Advocate for the Respondent(s)

AM :

on'ble Mr. D.L.Mehta

.. vice Chairman

'ble Mr.

Whether Reporters of local papers may be allowed to see the Judgement ?

To be referred to the Reporter or not ?

Whether their Lordships wish to see the fair copy of the Judgement ?

Whether it needs to be circulated to other Benches of the Tribunal ?

1. Parsottam Uka,
Gang²Mate, Gange No.1,
Railway Quarters,
Chandlodia, Ahmedabad.

...Applicant.

(Advocate : Mr.Tamim Ansari)

Versus

1. Union of India,
Divisional Railway Manager,
Para, Western Railway,
Bhavnagar Division,
Bhavnagar.
2. A.E.N. Botad,
Western Railway,
Botad.
3. Chief Railway Parth (way) Inspector,
C.P.W.I.,
Dholka.

...Respondents.

(Advocate : Mr.R.M.Vin)

O R A L J U D G M E N T

O.A. NO. 218 OF 1992.

Date :10.06.1992

Per : Hon'ble Mr.Justice D.L.Mehta : Vice Chairman

Heard Mr.Tamim Ansari and Mr.R.M.Vin, learned counsel for the petitioner and the respondents. This is a transfer matter. The petitioner who was working at Chandlodia at Gange No.1, station has been transferred to other place which is at a distance of about 10 to 12 kms. according to the petitioner. Petitioner's submission is that there are no proper facilities for the education of his children and treatment. The petitioner has submitted an application on 15.04.1992, and in the said application it has been specifically mentioned that,

"મને ગેલીનો હુકમ તા. 15-4-92 ના રોજ મળ્યો છે."

...3...

Counsel for the petitioner submits that the word "Hijacked", should be interpreted, otherwise and in fact he has received the transfer order but he has returned back to ^{his home} the authorities and made representation. Earlier application for the interim stay was also moved and no relief was granted.

2. Transfer is an incidence of service and ordinarily the Tribunal should not interfere unless the transfers are very frequent malafidly done or there are other extra-ordinary reasons to interpret the transfer order. In the instant case the petitioner submits that his client is suffering from hiper tension and asthma. Hiper tension, now is a ordinary decease, and Asthma needs a treatment, but it can not be taken in a list of very serious decease. Petitioner was posted before a year or so and now he has been transferred and it is not to be said that it is a frequent transfer. I do not find any malafide in the transfer of the petitioner ~~or~~ as well as in the said petition. The petition stands rejected.


(D.L.Mehta)
Vice Chairman

AIT