

Transfer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 323/92
FA No.

DATE OF DECISION 7.8.1992

Mr. Subhashbhai Rambhai Patel, Petitioner

Mr. R.V. Deshmukh, Advocate for the Petitioner(s)

Versus

Union of India, & Ors. Respondent

Mr. Akil Kureshi, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan

: Vice Chairman

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 ? ✓

Mr. Subhashbhai Rambhai Patel,

... Applicant.

Vs.

1. Union of India,
Through:
Chief Engineer (C),
Telecom Civil,
Dept. of Telecom,
Western Zone,
Sian Post Office Building,
3rd Floor,
Bombay- 28.
2. The Superintending Engineer (C)
Telecom Civil Circle, Ankur Complex,
Naranpura,
Ahmedabad- 13.

... Respondents.

O R A L O R D E R

O.A./323/92

Date: 7.8.1992.

Per : Hon'ble Mr. N.V. Krishnan, Vice Chairman

Present: Mr. R.V. Deshmukh, Adv./App.
Mr. Akil Kureshi, Adv./Res.

1. Heard the parties.


2. The applicant is an U.D.C. in the Telecom Department . He has been transfered by Annexure A/1 order dated 2.6.1992 to Rajkot by the second respondent, the Superintending Engineer (C), Telecommunication Department, Ahmedabad. He has been relieved on 4.6.1992. He filed a representation on 4.6.1992 for cancellation of his transfer order on compassionate ground (vide Annexure A/3) mainly because of his father's sickness. He states that the Annexure A/3 is pending. He also submitted that, one Mr. S.R. Jasadia transfered from Rajkot to Ahmedabad has


also given a representation dated 23.6.1992 (Annexure A/7) for cancellation of his transfer. He therefore, submits that respondents can easily cancel his order of transfer without prejudice to any administrative interest.

3. Mr. Akil Kureshi, learned counsel for the respondents submitted that so far as Mr. Jasadia is concerned he has been relieved. He admitted that the Annexure A/3 representation is pending.

4. This is not a case where the transfer order is impugned on grounds of malafide. That question does not arise for consideration. The applicant has made a representation on 4.6.1992 giving some genuine reasons. (Annexure A/3) It is only proper to ensure that this representation is disposed of according to law, by the competent authority taking into account, the reasons ^{and} given therein ~~by~~ the request of the counsel for sympathetic consideration.

5. We therefore, direct the second respondent ^{to dispose of the Annexure A/3 representation} accordingly within three weeks from the date of receipt of this order. In the circumstance, ^{if in the meanwhile,} the applicant does not want to join at Rajkot, he may apply for leave, ^{to} which shall be granted.


(R.C. Bhatt)
Member (J)


(N.V. Krishnan)
Vice Chairman