

*10/04/92*

**IN THE CENTRAL ADMINISTRATIVE TRAUNAL**  
**AHMEDABAD BENCH**

**O.A. No. 43/92**

~~TA No.~~  
XXXXXX

**DATE OF DECISION** 30.4.1992

Mr. H.M. Shah **Petitioner**

Mr. K.K. Shah **Advocate for the Petitioner(s)**

**Versus**

Union of India & Ors. **Respondent**

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

**CORAM :**

**The Hon'ble Mr. R.C. Bhatt** : Member (J)

**The Hon'ble Mr.**

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. H.M. Shah

..... Applicant.

Vs.

1. Union of India,  
Through:  
The Secretary,  
Ministry of Information  
& Brodcasting,  
Shastri Bhawan,  
New Delhi- 110 001.
2. Director of Field Publicity,  
Ministry of Information &  
Brodcasting, East Block- 4  
Level 3, R.K. Puram,  
New Delhi- 110 066.
3. Mr. Y.P. Solanki or his  
successor in office,  
Incharge Regional Officer,  
Director of Field Publicity,  
4, Mill Officers' Colony,  
Ashram Road,  
Ahmedabad- 380 009.

..... Respondents

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

O.A. No. 43 of 1992

Date: 30.4.1992

Per: Hon'ble Mr. R.C. Bhatt : Member (J)

1: This application is filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the relief to quash and setaside the order of transfer dated 29th January, 1992 from Ahmedabad to Raipur. The learned advocate for the applicant today produces the zerox copy of the said impugned order, the same is taken on record. The applicant has alleged many grounds for

challenge of this impugned order. The respondents have resisted the application taking various contentions. (P)

2. The learned advocate for the applicant under the instruction of his client- applicant who is present in the Court, today, submitted that there is hardly one year and two months left for the applicant to retire from service. He is a Heart Patient but he is prepared to go out of Ahmedabad Region in a Selected Place where he would like to go out of Ahmedabad Region where there is a Medical Facility of Central Government Health Scheme. Mr. Shah learned advocate for the applicant submitted that the applicant is ready to make the Representation to the respondents concerned on all the grounds and the respondents be directed to take a sympathetic approach to the applicant's case specially considering short term which remains for his retirement and his health problem. He is prepared to make representation latest by 18th May, 1992 and the respondents should not implement the transfer order dated 29th January, 1992 till the representation of the applicant is disposed of.

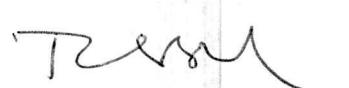
3. Learned advocate Mr. Akil Kureshi for the respondents under the instruction of the respondents' officer submitted that the applicant may make a representation to the competent authority on the points which he wants to make out and respondents would certainly consider his representation sympathetically. The learned advocate Mr. K.K. Shah for the applicant submits that the applicant

(S)

withdraws the application but the impugned order dated 29th January, 1992 should not be implemented against the applicant till the disposal his representation. Hence the following order:

O R D E R

The applicant to make representation to the competent authority of the respondents against the impugned order of transfer dated 29.1.1992 latest by 18th May, 1992 covering all the grounds which he may propose to include in the representation. The respondents to consider such representation with a sympathetic approach in the instant case, having regard the facts of this case and then to dispose of the representation. The respondents are directed not to implement the transfer dated 29th Jan. 1992 against the applicant till the representations are disposed of. Application is allowed to be withdrawn. It is disposed of. No order as to costs.

  
(R.C. Bhatt)  
Member (J)

\*Kaushik