

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. /281/93
T.A. No.

DATE OF DECISION 26th May, 1993

Manilal K. Patni Petitioner

Shri J.J. Yajnik Advocate for the Petitioner(s)

Versus

Union of India & others Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.R. Kolhatkar : Administrative Member

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 ?

.....2.....

Manilal K. Patni,
Postal Assistant,
G.P.O., Ahmedabad

.....APPLICANT

Advocate Mr. J. H. Yajnik

versus

1. Union of India,
to be served through the
Chief Postmaster General,
Gujarat Circle, Ahmedabad-
2. The Chief Postmaster,
G.P.O., Ahmedabad-380 001
3. The Sub Post Master,
Dhandhuka.

..... RESPONDENTS

ORAL ORDER

O.A./281/93

Date : 26/5/1993

Per : Hon'ble Shri M.R.Kolhatkar,
Administrative Member.

1. Heard Mr.J.J.Yajnik, learned advocate for the applicant. This case was filed on 07/5/1993 i.e. prior to the vacation. It was taken up as a urgent matter as the applicant was apprehensive that penal action, to compel compliance with the order of transfer from GPO, Ahmedabad to Dhandhuka dated 30/4/93 vide Annexure 1 will be taken. The main contention of the Applicant is that he is a cancer patient and he has been

undergoing treatment for cancer in the Gujarat Cancer & Research Institute, Ahmedabad and his treatment would suffer by the transfer. Secondly, the applicant contends that his seniority in the cadre of PA's Ahmedabad, GPO would be adversely affected by this transfer as he may be placed on the bottom of the gradation list at the new place. For this purpose, the applicant relies on the ^{which} Bhagavatiprasad v/s State 18, GLR - 562/ was a case decided by Gujarat High Court, in the context of state government employees. In regard to the applicability of Shilpi Bose case decided by Supreme Court. Applicant contends that this is not a transfer simpliciter ^{but} transfer with adverse consequences relating to his seniority and therefore, the same is not applicable to this case. The fact however, remains that the applicant has not exhausted alternative ~~x~~ remedies by making a proper representation to his higher departmental authority. The applicant is agreeable to this course of action.

⁶
This case at this stage itself/finally disposed of by issuing appropriate directions in the matter.

ORDER

1. The applicant is directed to make a proper representation to his departmental superior viz. Chief Post Master General, Ahmedabad against the transfer order within a week of the receipt of this order.
2. The Chief Post Master General, Ahmedabad

is directed to dispose of the representation of the applicant within a month from the date of receipt ~~of~~ thereof.

3. Pending such representation and pending the disposal of the representation by the Chief Post Master General, Ahmedabad, the respondents are directed not ~~to~~ to implement the order dated 13/4/93, vide Annexure A/1. and to allowing ~~the~~ the Applicant to work ~~in~~ in GPO, Ahmedabad.

4. It is open to the applicant to approach this Tribunal again in good time if the decision on his representation by the Chief Post Master General is considered by the Applicant to be adverse to him. No order as to costs.

MR Kolhatkar

(M.R.Kolhatkar)

Administrative Member

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CENTRAL ADMINISTRATIVE TRIBUNAL
Ahmedabad Bench

Application No. 218 281 of 1993

Transfer Application No. _____ Old W. Pett No. _____

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated : 28/5/93

Countersigned :

Section Officer/Court officer

JKR&S

Signature of the Dealing
Assistant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

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NAMES OF THE PARTIES Sh. M. I. P. Patel

VERSUS
U.S.A. & Co.

PART A B & C