

78

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J O D H P U R.

Date of Order: 8.5.1995.

O.A. No.100/95

Jora Ram

... APPLICANT

VERSUS

Union of India & Ors.

... RESPONDENTS

Mr. I.S. pareek, Counsel for the Applicant.

Mr. Sunil Joshi, Brief-holder for

Mr. J.P. Joshi, Counsel for the Respondents No.1 to 5.

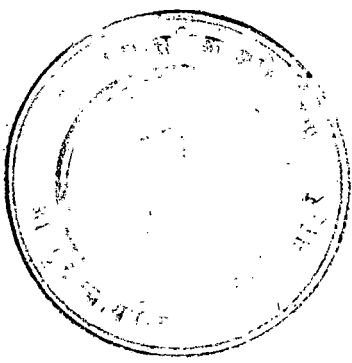
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CORAM :

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble MS Usha Sen, Administrative Member.

PER HON'BLE MR. GOPAL KRISHNA



Applicant Jora Ram has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying therein that the impugned order at Annex. A/1, by which he was relieved from the office of Telecom District Manager, Jodhpur with effect from 9.12.1994, be quashed and the respondents be directed to cancel Annex. A/8 dated 11.4.1991 qua the applicant by which due to shifting of office of Telecom District Engineer, Barmer presently Hq. Jodhpur to Barmer, all the officers and staff (except TRA of this office) were relieved from the office at Jodhpur to join the office of T.D.E. at Barmer with effect

from dates shown against their names. He has also

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prayed that his representation at Annexure A/17 dated 12.12.1994 be considered and decided.

2- We have heard the learned Counsel for the applicant and Shri R.C. Doyal, Superintendent Telegraphs, Jodhpur, departmental representative on behalf of the respondents. We have carefully perused the records.


3- The applicant was posted on deputation as Telecom Office Assistant in the office of Telecom District Manager, at Jodhpur. This posting was given on deputation at his request. He has challenged his transfer and posting at Barmer on the ground of personal inconveniences. His grievance is that he is a handicapped person and his family shall be put to much hardship, if he has to shift to Barmer. On the other hand the respondents have stated that on implementation of the Secondary Switching Area Scheme in the year 1987, the D.E.T. Jodhpur whose office was at Jodhpur was redesignated as T.D.E., Barmer and the said office was shifted to Barmer some time in April, 91 alongwith the working staff. The applicant being on the strength of Telecom District Engineer, Barmer, ~~he~~ had to be posted there. It is also stated by the respondents that since the deputation of the applicant at Jodhpur has come to an end, the applicant is under an obligation to vacate the Government quarter allotted to him at Jodhpur and he has to apply for allotment of Government accommodation at Barmer i.e. at his present place of posting. The applicant as stated by the respondents, was posted on deputation at Jodhpur vide Annex. A/10 for a period of three months on compassionate grounds at his own cost and request. The period of deputation was extended from time to time up to 9.12.1994 on which date


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He was relieved from Jodhpur for his parent Unit Telecom District Engineer, Barmer vide order dated 9.12.1994 at Annex. A/1. The learned Counsel for the applicant instead of pressing this application on merits wants that the representation made by him at Annex.A/17 dated 12.12.1994 be decided by the respondents No.3 in terms of office Memorandum No.A-B 14017/41/90-Estt. (RR) dated 10.5.1990 from the Government of India, Ministry of personnel public Grievances and pensions, Department of personnel and Training on the subject of the posting of physically handicapped persons.

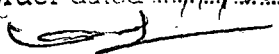
4- We, therefore, dispose of this application with a direction to the respondent No.3, to examine the representation dated 12.12.1994 (Annex.A/17) and dispose of the same keeping in view the office Memorandum referred to above through a speaking order on merits within a period of one month from the date of receipt of copy of this order. No order as to costs.


(USHA SEN)
Member (A)


(GOPAL KRISHNA)
Vice Chairman.

VS

Part II and III destroyed
in my presence on 2-6/12/2000
under the supervision of
section officer () as per
order dated 4/9/2000


Section officer (Record)

Copy of order
sent to R/3:
Regd AS 230
Vide 27/5
dt 15/9/95

Recd copy on 10-5-95
J. S. Pareek
10-5-95

Received copy
of the order
B. S. Pareek
12/5/95