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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR

O.A. No. 57/2001

Date of order: 18.01.2002

R.C. Kharol S/o Shri Moti Lalji, aged about 41 years
R/o Subhagpura, Udaipur (Rajasthan),
Presently working on the Post of Senior Telephone Office
Assistant under Accounts Officer (Cash) in the Office of
General Manager Telephone, Udaipur (Rajasthan).

...Applicant.

V E R S U S

- (1) Union of India through the Secretary,
Department of Telecom, 506, Dak Bhavan,
Sansad Marg, New Delhi.
- (2) Chief General Manager Rajasthan Telecom Circle,
Sardar Patel Marg, Jaipur (Rajasthan).
- (3) The General Manager Telecom,
District Udaipur (Rajasthan).

...Respondents.

Mr. S.K. Malik, Counsel for the applicant.
Mr. S.K. Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice O.P. Garg, Vice Chairman.
Hon'ble Mr. Gopal Singh, Adm. Member.

O R D E R

Heard shri S.K. Malik, learned counsel for the applicant
as well as Shri S.K. Vyas appearing for the respondents.


..2..

[Signature]

2. The short question involved in this case under Section 19 of the Administrative Tribunals Act, 1985, is whether the applicant has been transferred to Ajmer on his own request as has been mentioned in the transfer order or in pursuance of the order of the Chief General Manager, Rajasthan Telecom Circle, Jaipur dated 11.10.2000, a copy of which is placed at Annexure A/12. Shri Vyas initially stated that since the claim of the applicant has been satisfied, this application has become infructuous. Shri Malik maintains that since the order of transfer indicates that the applicant has been transferred on his request but not under the incentive scheme, *the applicant survives.*

3. After having heard the learned counsel for the parties, we find that since the Chief General Manager Rajasthan Telecom Circle, Jaipur has ordered that the transfer of the applicant shall be effected under the incentive scheme, his transfer to Ajmer shall be treated under the said scheme and the applicant shall be entitled to the benefits available under the scheme.

The O.A. is decided accordingly.


Gopal Singh
(Gopal Singh)
Adm. Member

O.P. Garg
(Justice O.P. Garg)
Vice Chairman

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Relm
Gm
23/1/02

Rec
Adv
S.I.C. mobile
Adv
24/1/02

Part II and III destroyed
in my presence on 26.6.07
under the supervision of
Section Officer [Signature] as per
order dated 26/6/07

Section Officer (Record)
[Signature]