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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application No.91/2011

Date of decision: 24.05.2011

Hon'ble Dr. K.B. Suresh, Judicial Member.
Hon'ble Mr. Sudhir Kumar, Administrative Member.

Achala Ram Jaipal S/o Shri Kesha Ram, aged about 57 years, R/o Qtr. No.2/13, Special Bureau Complex, Subhashnagar, Pal Road, Jodhpur, at present employed on the post of Asstt. Field Officer (MT) in the office of Additional Commissioner, Special Bureau, Government of India, Subhashnagar, Pal Road, Jodhpur.

: Applicant.

Rep. By Mr. J.K. Mishra : Counsel for applicant.

Versus

1. Union of India through Secretary, Ministry of Home Affairs, Cabinet Secretariat, 7th Annexe Bikaner House, Shahjahan Road, New Delhi.
2. Addl. Commissioner, Special Bureau, Subhash Nagar, Pal Road, Jodhpur (Raj.).

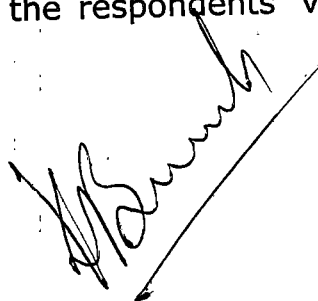
: Respondents.

Rep. By Mr. M.S. Godara, proxy counsel for
Mr. Vinit Mathur: Counsel for respondents.

ORDER (ORAL)

Per Dr. K.B. Suresh, Judicial Member

Heard. It would appear that against the sanction of three posts at a particular station, there are five people, and therefore applicant seems to have been transferred to Sriganganagar. It came out that the applicant might be a person of the longest stay, even though the applicant vehemently denied this aspect. But still who might be first person of longer stay, and who might be the second person of longer stay could not be stipulated by him and hence on non specific denial the respondents' version appears to be correct.



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2. The applicant would say that in the impugned order of transfer, it is nowhere mentioned about of the T.A. and D.A., since he is entitled to such benefit, as the transfer is in the public interest. We are, therefore, inclined to agree with him on this point.

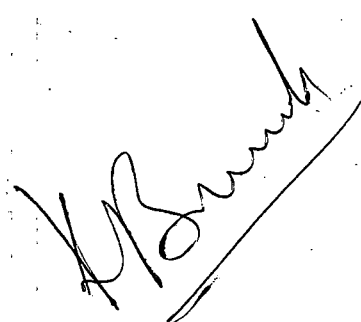
3. The respondents ought to have medically examined the applicant, and posted him in the alternative in view of the fact that the applicant has suffered from hand fracture and had an insert of a steel rod in the year 2002. Whether such insertion of steel rod has deteriorated the effectiveness of his working, it is for the Medical Board to examine it under Section 47 of the Disabilities Act, and then the respondents can and should take appropriate action. Therefore, the following orders are issued:-

(i) The applicant shall be relived on 31st July, 2011, and shall join Sriganganagar within the time fram normally available for the public interest transfer.

(ii) The applicant shall be entitled to TA, DA and all other allowances of such transfer.

(iii) The applicant shall be medially examined to find out the disability, if any, and if so it is open to the respondents to grant a benefit under Section 47 of the said Act, if it is available.

(iv) In view of his expecting retirement, before two years of his retirement, the respondents shall place the applicant at a place of his choice.



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4. With the above observations and directions, the O.A. is disposed of. No order as to costs.



[Sudhir Kumar]
Administrative Member



[Dr. K.B. Suresh]
Judicial Member

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