

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.

No. M.A. ³²⁰ of 1997.
(O.A. ~~57~~ of 1997)

Present : Hon'ble Dr. B. C. Sarma, Member (A)

Hon'ble Mr. D. Purkayastha, Member (J)

P. V. KRISHNAN

VS.

UNION OF INDIA & ORS.

For applicant : Ms. B. Banerjee, counsel.

For respondents : None.

heard on : 5.8.97 :: ordered on : 5.8.97.

O R D E R

B.C.Sarma, AM

This M.A. has been moved as an unlisted matter. The applicant had earlier filed an application bearing No. O.A. 422 of 1996 regarding his transfer to Cambell Bay by an order dated 25.7.94. That application was disposed of in the following terms

"In view of the above, the application is disposed of at the stage of admission itself with the direction that the respondents shall treat the instant application as a representation and shall dispose it of within a period of two months from the date of communication of this order as per rules and the result of such disposal shall also be intimated to the applicant within a period of 15 days thereafter. We give liberty to the applicant to approach this Tribunal in case he feels aggrieved by the decision taken by the respondents in this regard. We would like to observe that the disposal of the application on the above direction will not be a bar if the authorities want to take action against the applicant for any act of omission or commission as per law. We further direct the respondents to make payment to the applicant his current salary provided he is on duty at present. We pass no order as to costs."

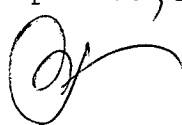
2. The applicant now contends that he has joined the headquarters office at Port Blair on 1.9.96 and on the ground that he was not paid salary and allowances for the period from 1.9.94 to 7.11.95, he had filed an O.A. bearing No. 100/AN/1996, which is pending for disposal. This M.A. has now been filed as in the meantime by the impugned order dated 17.4.97 (annexure-IV), the applicant has been transferred to Cambell Bay. The




applicant has also filed a representation. His main contention is now that he is willing to go Cambell Bay, but he has not been paid his salary and allowances for the period from August, 1996 to March, 1997 and without getting his pay and allowances it is not possible for him to move from Port Blair to Cambell Bay. Hence the prayer.

3. We have heard the ld. counsel for the applicant, although copy of the M.A. has been sent by speed post to the respondents, none appears for them. However, it is possible to pass a direction in this case without giving hearing to the other side.

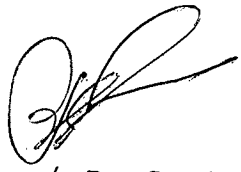
4. Although the applicant is aggrieved by the order of transfer; during hearing this dispute was not pressed and the applicant is willing to go on transfer to Cambell Bay if his arrears of pay and allowances are disbursed. We, therefore, find that the applicant is willing to go to Cambell Bay and on perusal of the application, we also find that no ground has been stated by him in the application challenging the impugned order of transfer. In our view there is no justifiable ground on our part to interfere with the said transfer order, which shall stand. However, we take note of the fact that the applicant had also filed a representation for disbursement of his pay and allowances for the period from August, 1996 to March, 1997. It is not known to us under what circumstances he has not been paid any pay and allowances during the said period. We get the impression that the applicant is on leave now. Whatever that may be, we direct the respondents to consider his representation as set out in annexure MA-12 to the application, which they shall dispose within a period of one month from the date of communication of this order. If as a result of such consideration, the applicant is found entitled to get pay and allowances for the said period, the arrears shall be paid within



the same period of time. In order to move out of Port Blair as per the order of transfer, the respondents may grant T.A. advance and pay advance as per rules to the applicant. The M.A. is thus disposed of without passing any order as regards costs.



(D. Purkayastha)
MEMBER (J)



(B. C. Sarma)
MEMBER (A)