

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
NEW BOMBAY BENCH~~O.A.N.O.~~
T.A. No.

275/87

xx98

DATE OF DECISION 3.2.1988

Shri Prabhakar Govind Joshi

Petitioner

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.B. MUJUMDAR, MEMBER(J).

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Transferred Application No. 275/87

Shri Prabhakar Govind Joshi,
Divisional Engineer Telegraphs,
46/7 C.T.O. Compound,
Civil Lines,
Nagpur.

... Applicant.

V/s.

1. Union of India, through the
Secretary, Posts & Telegraphs
Department,
New Delhi.
2. General Manager,
Telecommunication,
Maharashtra Circle,
Bombay.
3. Director of Telecommunications,
C.T.O. Compound,
Nagpur.

... Respondents.

ORAL JUDGMENT

DATED : 3/2/1988

(Per : Shri M.B. Mujumdar, Member(J))

The applicant, Shri P.G. Joshi, was working as 'Divisional Engineer Telegraphs' at Nagpur since November, 1980. By an order dt. 2.7.1982 he was transferred from Nagpur to Bombay. As his request for cancelling the transfer was not considered favourably by the higher authorities he filed Writ Petition No. 1728/1983 in the Nagpur Bench of the Bombay High Court on 29-7-1983 challenging his transfer from Nagpur to Bombay. By an order dt. 1.8.1983 the High Court stayed the transfer and it is in view of that order that the applicant is still working at Nagpur as Divisional Engineer. After the Constitution of this Tribunal the Writ Petition is transferred to this Tribunal under section 29 of the Administrative Tribunal Act, 1985.

2. The respondents have filed their written statements resisting the Writ petition.

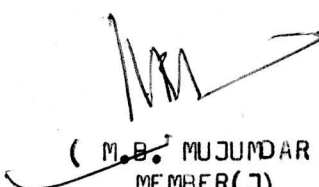
3. In pursuance of the notice from this Tribunal the applicant has authorised Shri U.N. Palandurkar (Sub-Divisional Officer 'Telegraphs', Bombay) in writing to putforth this case as he is unable to come to the Tribunal today. As a special case I have heard Shri Palandurkar on behalf of the applicant. The applicant has also sent a written application regarding his case. He has requested in that application that the respondents may be directed to forward his application dt. 2.7.1987 for transferring him to the North-East Circle to the Department of Telecommunication, New Delhi and till then he should be retained at Nagpur only as he is due to retire within $3\frac{1}{2}$ years.

4. The main grievance of the applicant in his Petition is regarding his transfer was that his transfer order was passed in the middle of the academic year and it was inconvenient from the point of view of the education of his children. But more than $4\frac{1}{2}$ years have elapsed since the Transfer order was passed. The application sent by the applicant shows that in the meanwhile he had requested for his transfer from Nagpur to the M.P. Circle, but his request was not granted. Again in July, 1987 he requested for his transfer to North-east circle, but that application was not forwarded to the higher authority in view of the stay granted by the High Court.

5. In view of the above circumstances the challenge of the applicant to the transfer order dt. 2.7.1983 does not survive. The request in his application that this Tribunal should direct the General Manager, Telecom, Maharashtra Circle, Bombay to forward his application dt. 2.7.1987 to the Department of Telecommunication, New Delhi cannot be granted by this Tribunal because that has nothing to do with the Writ Petition. It is possible that his application was not forwarded because of the stay granted by the High Court on 1.8.1983. As I am dismissing the application, the authorities will be at liberty to

transfer the applicant to any place they deem fit.

6. In result the application, i.e. Writ Petition No. 1728/83, is dismissed with no order as to costs. The stay granted by the High Court on 1.8.1983 is hereby vacated.


(M.B. MUJUMDAR)
MEMBER(J)