

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCHO.A. No. 693 of 1987.
T.A. No. -DATE OF DECISION 4.2.1988

Shri S.S.Kale and 16 others. Petitioners Applicants

Smt.Neelima Kanetkar Advocate for the Petitioners Applicants

Versus

The Executive Engineer, Respondent
Postal Civil Division,
Kolhapur and Another.
Shri R.K.Shetty Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C.Gadgil, Vice-Chairman.

The Hon'ble Mr. J.G.Rajadhyaksha, Member (A)

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

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY-400 614

Original Application No. 693/87.

Shri S.S.Kale and 16 others
C/O Smt.Neelima Kanetkar,
Advocate,
770, Parsi Colony,
Dadar - Bombay 400 014.

.. Applicants

V/s

1) The Executive Engineer,
Postal Civil Division,
Kolhapur.

2) The Director General (PM)
Dept.of Posts,
Dak Tar Bhavan,
Parliament Street,
New Delhi-1

.. Respondents

Coram: Hon'ble Vice-Chairman Shri B.C.Gadgil.
Hon'ble Member (A) Shri J.G.Rajadhyaksha.

Appearances

1. Smt.Neelima Kanetkar
Advocate for the
applicants.

2. Shri R.K.Shetty, Advocate
for the Respondents.

ORAL JUDGMENT

Date: 4.2.1988

(Per: Shri B.C.Gadgil, Vice-Chairman)

We have heard both the advocates regarding the question as to whether the matter is to be admitted or not. In view of the following circumstances, we do not think that it is necessary to admit it.

1) The applicants are serving in the Civil Division of the Postal Construction Division, Kolhapur. The Government took a decision to close that Division and shift the Executive Engineer to Lucknow. The applicants apprehended that on account of this closure, they would also be transferred to the Lucknow Division and, therefore, they filed the present application. The first contention raised by the applicants is that the shifting of the Kolhapur Division to the Lucknow Division should be quashed. In our opinion, the

closure of the Division as intended to be done by the Government is primarily an administrative decision and it will not be possible for the employees to make a grievance about it. Hence, the applicants will not be able to contend that the Kolhapur Division should not be closed. After the closure of that Division the applicants are thus liable to be transferred. The applicants apprehended that they would be transferred to Lucknow or other places under that Division.

2. Shri R.K.Shetty for the Respondents made a statement that none of the applicants would be transferred out of Maharashtra Circle. In view of this statement, it is not necessary for the applicants to entertain a fear of their transfer out of Maharashtra Circle.

3. It was then urged by the applicants that they would lose their seniority in case they are transferred even elsewhere in Maharashtra Circle to other Divisions or offices, and that their earlier services that were rendered would be infructuous for counting seniority. Mr. Shetty made a statement that this contingency would not arise and that the applicants' seniority would not be prejudicially affected. It was then urged by Smt. Kanetkar that there can be a valid objection to the transfer of a particular applicant from one place to another and that such applicants would not be able to move this Tribunal in case a transfer order was passed, and given effect to immediately. Mr. Shetty made a statement that the Respondents would not give effect to the transfer order of any of the applicants for 15 days from the date of transfer if that particular applicant intimates in writing that he wants to challenge the transfer order by filing a proper application.

4. We may observe that Shri Shetty made this statement as a concession and he specifically requested us that it should not be treated as a precedent so as to bind Government in cases of future transfers.

5. In view of the above circumstances, we do not think that the matter should be admitted and accordingly it is summarily dismissed subject to the observance of the above statements made by Shri R.K.Shetty.


(B.C.GADGIL)
Vice-Chairman


(J.G.RAJADHYAKSHA)
Member (A)