

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Transferred Application No.445/87.

Shri Vasant Waman Pradhan,
406, Shalaka,
Maharashi Karve Road,
Bombay - 400 021.

... Applicant
(Original Petitioner)

V/s.

State of Maharashtra &
Four Others.

... Respondents.

Coram: Hon'ble Member(J) M.B. Mujumdar.

Appearances :

1. Shri C.A. Phadkar,
Advocate for the applicant.
2. Shri J.D. Desai (for
Shri M.I. Sethna)
Counsel for the respondents.

TRIBUNAL'S ORDER:

{Per M.B. Mujumdar, Member(J)}

Date: 13-11-1987.

Heard Shri C.A. Phadkar, the learned Advocate for the applicant and Shri J.D. Desai (for Shri M.I.Sethna) learned Advocate for the respondents.

2. By a Confidential letter dated 27th August, 1987 the Director General & Inspector General of Police (Shri D.S. Soman) informed the applicant that the Government had approved his posting as Deputy Commandant General, Home Guards, Bombay, vice Shri Raman who was deputed to Maharashtra State Road Transport Corporation. By the same letter the applicant was informed that Shri B.Akashi was posted in his place and he might on relief by Akashi join his new posting in consultation with the Commandant General, Home Guards, Bombay. The applicant, who was working as Deputy Inspector General of Police, Railways, received the order on 27th August, 1987 at night when he was at

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Thane. He could not do anything on 28th as it was holiday^a on account of Ganesh Chaturthi and on 29th, being Saturday. But on 30th on his return to Bombay he requested by letters the Director General of Police and the Home Secretary to reconsider his transfer. On 31-8-1987 he received a reply that his request was rejected. On 31st he informed the ^{Director} Inspector General that he wanted to move the High Court by filing Writ Petition against his transfer. He did so on 1-9-1987. He also moved the High Court for interim relief. Miss Anklesaria, the learned advocate for the respondents, informed the High Court that the charge of the post of Deputy Inspector General of Police Railways had been assumed by Shri B.Akashi at about 5 p.m. on the previous day in the absence of the petitioner. Hence the High Court noted the submission and passed the order saying "subject to the above ad-interim in terms of prayer (b) so far as petitioner having joined new posting". The prayer(b) in the petition was, "that pending the hearing and final disposal of this petition the respondent No.4 be restrained by an order and injunction of this Hon'ble Court from implementing the said order dated 27th August, 1987." After some adjournments, on 30th of October, 1987 the petition was transferred to this Tribunal as it is covered by the provisions of the Administrative Tribunals Act, 1985. The ad-interim order is continued for two weeks. That period of two weeks expires today and hence the applicant with notice to the respondents has moved this Tribunal for interim relief.

3. Today Mr.J.D. Desai, who appeared on behalf of the respondents, requested for an adjournment on the ground that ~~Mr.~~ Mr.M.I. Sethna, Senior Counsel for the respondents wants to argue this case. He had no objection

to continue the interim order passed by the High Court till the next date of hearing.

4. Mr. Phadkar has no objection to grant an adjournment but he wanted the government to consider the request of the petitioner to transfer him to any other post where he would not be required to work under an officer junior to him and whose promotion he has challenged in Writ Petition No. 623/87 now transferred to this Tribunal where it is numbered as Transferred Application No. 397/87. I find no difficulty in asking the respondents to consider the said request of the applicant.

5. With this I pass the following order :

- (1) The case is adjourned to 27-11-1987 for Admission Hearing as well as for considering the request of the applicant for interim relief.
- (2) Interim order passed by the High Court on 1-9-1987 shall continue till 30-11-1987.
- (3) In the meanwhile the respondents may consider the request of the applicant to transfer him to any other post where he would not be required to work under any of his juniors whose promotions are challenged by him in Transferred Application No. 397/87 (Writ Petition No. 623/87).


(M.B. MUJUMDAR)
MEMBER (J)