

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 499 7 1987
T.A. No.

DATE OF DECISION

Petitioner

Advocate for the Petitioner(s)

Versus

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? - 49
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?

Bch

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

Original Application No.499/87.

Smt. E.G.D. Bellari,
Midwife, Bandra Dispensary,
Western Railway,
Bombay-50.

... Applicant.

V/s.

1. Union of India through
General Manager,
Western Railway,
Churchgate,
Bombay.

2. Chief Medical Officer,
Western Railway,
Churchgate,
Bombay.

3. Sr. Divisional Medical Officer,
Bombay Division,
Bombay Central,
Bombay - 400 008.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri B.C.Gadgil.

Oral Judgment:

(Per Shri B.C.Gadgil, Vice-Chairman) Dated: 15.10.1987.

The applicant is working as a Midwife at Bandra Dispensary which is run by the Western Railway. On 20.4.1987 she is transferred from Bandra to Borivli. It is this order that is challenged before me.

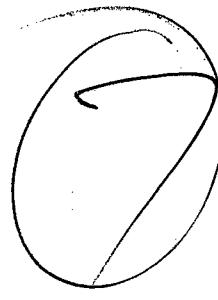
2. The main contention of the applicant is that she is suffering from hyper-tension and heart problem and that it would cause difficulties for her to travel everyday from Bandra to Borivli and back. Such travel is not necessary in case she is retained at Bandra, as she is occupying residential quarters at Bandra. There are certain other contentions in the application.

3. The respondents have filed their reply contending that the said transfer order is quite legal and proper and that the applicant is not entitled to make any valid grievance about it.

4. When the matter was called out for hearing today Mr. Walia made a statement that the applicant with a view

...2.

By Els



to show her desire to obey the discipline is ready to take charge at Borivli. He further stated that working at Borivli would create some difficulties for her. He further stated that she is ready to go to Borivli provided the respondents would favourably consider the applicant's posting back to Bandra after a period of 3 months or so. In my opinion, the fact that the applicant is ready to obey the transfer orders as mentioned by Mr. Walia is a circumstance that will have to be taken into account by the Railway Administration while considering the case of applicant for retransfer to Bandra after a period of 3 months. In fact, I would like to observe that this is a fit case where the respondents will favourably consider that question and hence I pass the following orders.

O R D E R

1. After 3 months from the date the applicant takes charge of her duties at Borivli she would make a representation to the Respondent No.3 for her re-transfer to Bandra and Respondent No.3 is directed to favourably consider the said representation and pass appropriate orders within one month thereafter. With these directions the application is disposed of. Parties to bear their own costs.

B.C. Gadgil
(B.C.GADGIL)
VICE - CHAIRMAN.