

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT Sittings AT NAGPUR.
XXXX XXX XXX XXX XXX

O.A. No. 441 of 1988
XXXX XXX

DATE OF DECISION 14.3.1989

Shri Manohar L. Chiwande Petitioner

Shri B.T.Patil Advocate for the Petitioner(s)

Versus

Superintendent, R.M.S.F-Division, Respondent
Nagpur & 2 Others.

1. Shri S.V.Gole (for Shri S.V.Natu) Advocate for the Respondent(s)
for respondents No.1 and 2
2. Shri M.N.Belekar, for respondent No.3

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

(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
NEW BOMBAY BENCH, NEW BOMBAY
(CIRCUIT Sittings AT NAGPUR)

Original Application No. 441 of 1988

Shri Manohar Laxmanrao Chiwande,
Head Record Officer, Grade-I,
R.M.S. Division,
Saraf Chamber,
Nagpur-1.

.. Applicant

V/s.

1. Shri C.D.Joshi,
Supdt., R.M.S. F Division,
Nagpur.

2. Shri C.P.Thomas,
Post Master General,
Bombay G.P.O.,
Bombay.

3. Shri T.R.Nimje,
H.S.G. II,
R.M.S., Saraf Chambers,
Nagpur-1.

.. Respondents.

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

Appearance:

1. Shri B.T.Patil
Advocate for the
Applicant
2. Shri S.V.Gole (for
Shri S.V.Natu)
Advocate for
respondents No.1 and 2.
3. Shri M.N.Belekar,
Advocate for
respondent No.3.

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

Dated: 14.3.1989

Heard Mr.B.T.Patil, learned advocate for the applicant for some time, Mr.S.V.Gole (for Mr.S.V.Natu) advocate for respondents No.1 and 2 and Mr.M.N.Belekar, learned advocate for respondent No.3.

2. The applicant has filed this application on 24.6.1988 challenging the order dated 6.6.1988 (Annexure-E to the application). By that order the applicant who

was working as Higher Selection Grade-I at Nagpur was transferred to Bombay Sorting Division, Bombay as Higher Selection Grade-I (HSG-I). The applicant was previously also by order dated 1.9.1987 (Annexure-A to the application) was transferred to Bombay as HSG-I. But on his representation he was allowed to stay at Nagpur upto the completion of the academic year.

3. By our order dated 24.6.1988 the application was admitted and ad interim ex-parte stay of the transfer order was granted upto 8.7.1988, if the applicant had not been relieved till that date. Thereafter the applicant had filed Contempt Petition but it was dismissed on 17.8.1988. Now the applicant has joined his posting at Bombay in September, 1988 and since then he is working there. It was contended by Mr. B.T. Patil, learned advocate for the applicant, that the applicant was transferred from Nagpur to Bombay for favouring respondent No. 3. But the applicant's transfer has already come into effect. This Tribunal has generally reluctant to interfere with transfer orders unless there is satisfactory evidence or circumstances to prove mala-fide. In our view concerned authorities are better suited to decide as to which employee should be transferred to which place. I do not find that the transfer order in this case is liable to be quashed or set aside on any ground. Hence the application is dismissed with no order as to costs.

(M.B. Majumdar)
Member (J)