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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT SITTINGS AT NAGPUR.

Original Application No.491/88

Shri J.Balmukund Upadhyay,  
Line-man(Phones),  
Near Vidas Welding Work,  
Main Road,  
Khamgaon,  
Tq.and Dist: Khamgaon.

.. Applicant

V/s.

1. Union of India  
through the Secretary,  
Ministry of Communications,  
Parliament House,  
New Delhi-110 001.
2. The Telecommunication  
District Engineer,  
Old Cotton Market,  
Akola.
3. The Sub-Divisional Officer,  
Telegraphs, Khamgaon,  
Dist: Buldana.
4. Shri Vishwanath  
S/o Vithalrao Bhagat,  
C/o S.D.O., Telegraphs,  
Khamgaon,  
Dist: Buldana.

.. Respondents.

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

Tribunal's Order:-

Dated: 10.8.1988

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

Heard Shri R.L.Khapre, advocate for the applicant and Shri V.V.Vidwans, advocate for the respondents. On last date i.e. on 24.6.1988 the application was admitted. As regards interim relief it was directed that status quo as on that day should be continued till 10.8.1988 i.e. till today.

2. The applicant is working as a line-man at


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before his transfer he was Khamgaon since 1976. Since 3 months ~~he is~~ on deputation to Chandur Biswa which is about 45 Kms. from Khamgaon. By an Order dated 8.3.1988 passed by the Sub-divisional Officer, Telegraphs, Khamgaon the applicant <sup>is</sup> transferred to Jalgaon(J) as his period of deputation at Chandur Biswa was over. It is mentioned in the order that the transfer was being made in the interest of service and hence the applicant will be entitled to T.A. and D.A. <sup>and</sup> on transit period. The applicant has gone on sick leave from 14.3.1988. The respondents have filed the affidavit of Shri L.J.Hiralkar, Telephone Inspector opposing the request for staying the transfer.

3. After hearing the Learned advocate for the applicant and after considering the facts I am of the opinion that the stay order deserves to be vacated. As already pointed out the applicant is at Khamgaon for the last more than 12 years. He was at Chandur Biswa on deputation for 3 months only, Chandur Biswa is said to be about 45 Kms. from Khamgaon and Jalgaon(J) is about 60 Kms. from Khamgaon. Considering the complaints and cross-complaints and disputes between the applicant and the higher officers at Khamgaon, it will be ~~in fact~~ in the interest of the applicant as well as the department that the applicant should go to Jalgaon(J). Hence the request for interim relief is rejected. The order directing that status quo as on 24.6.1988 should be continued is hereby vacated.

4. The respondents have filed their reply today, the same is taken on record. A copy of the same is

given to the applicant's advocate. Keep the case for directions at New Bombay on 3rd October, 1988. Parties need not be present on that day. The date of hearing after it is fixed would be intimated to the parties.

  
(M.B. Mujumdar)  
Member (J)