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

Original Application No.387/88.

Shri K.B.Fulzele,  
Military Farm Depot,  
Kamptee.

... Applicant.

V/s.

1. Military Farm Depot,  
Kamptee, through its  
Officer Incharge.
2. Deputy Director,  
Military Farm, Kirkee,  
Pune-3, through its  
Officers knowledge.
3. Military Farm Depot,  
Deolali, through  
its Officer Incharge.

Coram: Hon'ble Member(A), Shri L.H.A.Rego,  
Hon'ble Member(J), Shri M.B.Mujumdar.

Appearances:

Shri Mohan Sudame,  
advocate for the  
applicant and  
Shri M.I.Sethna,  
counsel for the  
respondents.

Oral Judgment:

Per Shri M.B.Mujumdar, Member(J)

Dated: 19.8.1988

Heard Shri Mohan Sudame, learned advocate for the applicant and Shri M.I.Sethna, learned advocate for the respondents. The applicant was working as a Boiler Attendant in the Military Farm Depot at Kamptee since 8.4.1985. By an order dt. 4.4.1988 he is transferred as Boiler Attendant in the Military Farm Depot, Deolali. In his place one Shri Byayyaram is posted as Boiler Attendant in the Military Farm Depot at Kamptee and he has taken charge on 5.5.1988.

2. The applicant has filed the present application on 1.6.1988 challenging his transfer to Deolali. When the matter came up before the Vice-Chairman, he directed that the matter be placed before the Division Bench for deciding the question of admission. That is how the case has come up

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before this Bench today. Shri Sudame <sup>stated</sup> ~~urged~~ that the applicant is suffering from infective hepatitis since 31.10.1987, he has produced copies of sickness certificates till 4.6.1988. But the respondents have filed their reply today and it is alleged therein that though the applicant was asked to appear for medical examination before the Medical Board at Nagpur he did not appear for the medical examination before that Board. The President of the Medical Board, Government Medical College, Nagpur has by his letter dated 18.12.1987 called the applicant for examination. A telegram was also sent to him, but still he did not appear for the medical examination. These circumstances show that the illness of the applicant may be of a doubtful nature. Any way Shri Bhayyaram has taken charge of the post of the applicant on 5.5.1988. We therefore, find no merit in this application and hence reject the same summarily under section 19(3) of the Administrative Tribunals Act, 1985, with no order as to costs.

(M.B.MUJUMDAR)  
MEMBER(J)

(L.H.A.REGO)  
MEMBER(A).

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