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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 171/88 & 172/88 198
[REDACTED]

DATE OF DECISION 22/4/1988

T.M. Sawarkar & S.V. Gajbhiye. Petitioner

Mr. C.S. Thakore. Advocate for the Petitioner(s)

Versus

Union of India. & 4 OTHERS. Respondent

Mr. S.R. Atre. Advocate for the Respondent(s)

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? Y
2. To be referred to the Reporter or not? N O
3. Whether their Lordships wish to see the fair copy of the Judgement? N O
4. Whether it needs to be circulated to other Benches of the Tribunal? N O

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

O.A.171/88 & O.A.172/88

1. Tulsiram Marutrao Sawarkar
C/o. G. Kanaiya, Linesman,
100/4, NAD Colony,
P.O. NAD Karanja,
Taluka Uran,
Dist. Raigad,
PIN - 400 704.

.. Applicant in
O.A. No.171/88

2. Shivshankar Vikram Gajbhiye,
C/o. Shri B.V. Betale,
Quarter No.100/1,
NAD Colony P.O.
NAD Karanja,
Taluka Uran,
Dist. Raigad,
PIN - 400 704.

.. Applicant in
O.A. No.172/88

v/s.

1. Union of India, through
Ministry of Defence,
New Delhi.

2. Chief Engineer,
Southern Command,
Pune-1.

3. Chief Engineer,
Bombay Zone,
Colaba,
Bombay-5.

4. Command Works Engineer (NW),
Dr. Homi Bhabha Road,
Navy Nagar, Colaba.
BOMBAY-5.

5. The Garrison Engineer (P),
Karanja P.O. NAD Karanja,
Taluka Uran, Dist. Raigad,
PIN - 400 704.

.. Respondents

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

Appearances :

1. Shri C.S. Thakore,
Advocate for the
applicants.

2. Shri S.R. Atre,
Advocate for the
Respondents.

ORAL JUDGMENT

Date: 22-4-1988

(PER: M.B. Mujumdar, Member(J))

By this judgment I am disposing of O.A. No.171/88 filed by
Shri Tulsiram Marutrao Sawarkar and O.A. No.172/88 filed by Shri
Shivshankar Vikram Gajbhiye.

2. Sawarkar was appointed as Lower Division Clerk in 1963 at Pulgaon. He was made permanent in 1972. In 1982 while he was working at Nagpur he was promoted as Upper Division Clerk. On 3-6-1985 he was transferred from Nagpur to Karanja. By order dtd. 12th February, 1988 he is transferred to Garrison Engineer (Project) at Bhusaval. He has challenged this order ~~in this application~~ by filing O.A. No. 171/88.

3. Gajbhiye was appointed as Lower Division Clerk at Kamptee in 1976. In April, 1984 he was transferred to Karanja by giving him retrospective promotion with effect from 30th June, 1982. By the same order dtd. 12-2-1988 he is transferred to Chief Engineer, Pune Zone at Pune. He has challenged that order by filing O.A. 172/88.

4. Respondents have filed written statement in both the cases resisting the applications. I have heard Shri C.S. Thakore the learned Advocate for the applicants and Shri S.R. Atre (for Shri P.M. Pradhan) the learned advocate for the respondents. Guidelines regarding transfers are given in the letter dtd. 27-8-1987. It is attached to the application in both the cases. According to the guidelines in para (a) ~~it is mentioned~~ ^{mentioning} ~~would~~ ^{had} that all personnel who ~~will~~ ^{had} be completing tenure service by 30th June, 1988 or who ~~have~~ ^{had} already completed tenure, were required to indicate their three separate choice stations for transfer. The choice stations indicated should be from the list of stations attached as Annexure 1 to the letter. Persons indicating less than three separate choice stations will be turned over to any other stations as per job requirement, if they cannot be accommodated in their choice stations for any reason. It is pointed out in the same para that persons indicating three choices stand a better chance of being accommodated in one of their choices compared to those indicating less than three choices.

5. On 2-9-1987 Sawarker had indicated three choice stations viz. (i) Kamptt, (ii) Nagpur and (iii) Bhandara. But if one looks at the stations mentioned in the Annexure - I to the letter dtd. 27-8-1987 Nagpur and Kapte come under one station. Hence Sawarker had indicated

only two choice stations. That seems to be reason that he could not have accommodated in any of the stations indicated by him. Considering the job requirement he is transferred to Bhusaval.

6. Similarly, Gajbhiye had indicated three choice stations viz. Nagpur, Pulgaon and Kamptee. Considering the stations in Annexure-I referred to above Kamptee and Nagpur are not different stations. Hence he had also indicated only two choice stations regarding his transfer. That is why he is transferred to Pune.

7. By my order dtd. 23-3-1988 the applicants were asked to inform their third choice station if they so wanted and the respondents were asked to consider their third choice also. Accordingly Sawarkar had indicated Bandara as his third choice stations and Gajbhiye had indicated Pulgaon as his third choice station. Shri Atre stated that the respondents have considered their third choice also and they are not in a position to post them at their third choice station also. One of the ground given by them was that the applicants have merely interchanged their choice given earlier.

8. Today the applicants ~~had~~ given applications requesting for inspection of some documents and records. They are regarding the choices given by the other WDCs in Pune and Nagpur Zones; proceedings held on 15-12-1987 regarding the posting and transfers to tenure stations. But the applicants had already obtained stay orders from this Tribunal and in my opinion the applications regarding inspection of documents etc. are given merely for prolonging the life of the applications and ~~so~~ consequently getting extension of the stay orders. I, therefore, reject both these applications. In such cases, where transfers are challenged I do not think that this Tribunal should consider the cases of others for finding out whether there is any discrimination, etc. in such cases. No malafides are alleged or found from record. It is the duty and responsibility of the respondents to effect transfers by taking into consideration the needs of the administration and convenience and difficulties of the individuals. There is no reason to assume that the respondents have not done so.

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9. In result O.A. No.171/88 and O.A. No. 172/88 are rejected with no order as to costs. The interim orders passed on 10-3-1988 in each case are hereby vacated.

(M.B. MUJUMDAR)
MEMBER (J)