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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 651/88
C. No.

198

DATE OF DECISION 13.11.91

V.N. Sitapure

Petitioner

Advocate for the Petitioner(s)

Versus

The Telecom District Engineer, Latur Respondent
and 2 Others

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.

The Hon'ble Mr. Shri T. Chandra Sekhar Reddy (Jud1)

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

MGIPRRND-12 CAT/86-3-12-86-15,000

No

T. C. R.
(HTCSR)

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.No.651/88

Date of order: 13-11-1991

Shri V.N.Sitapure

Applicant

Vs.

1. The Telecom District Engineer
Latur.

2. Director, Telecom, Kolhapur

3. The General Manager, Telecom
Bombay-1.

Respondents

Counsel for the Applicant

Counsel for the Respondents

CORAM: HONOURABLE SHRI T.CHANDRA SEKHAR REDDY
Member (Judl)

This is an application filed under section 19 of the Tribunals Act by the applicant herein claiming certain transfer benefits.

2. The facts giving rise to this application in brief may be stated as follows.

3. The applicant, a Telecom Office Assistant was working as a subdivisional cashier in the office of the subdivisional offices, Telecom Latur. While so he was selected by a duly appointed Selection Committee as Divisional Cashier for Latur Telecom District at Latur after observing all prescribed formalities. Latur Telecom District was formed by bifurcating the erstwhile Solapur Telegraph Engineering division in October, 1986. Prior to April, 1987 the office of the Telecom District Engineer, Latur was functioning from Sholapur. On 25-4-87 the

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headquarter was shifted from Sholapur to Latur. So it become necessary to send a new Divisional Cashier for Latur Telecom District.

4. The application who was selected as cashier was sent from headquarters of Latur to the office of the Telegraph Engineering Division Latur at Sholapur on short deputation for a period of not exceeding 10 days by an order dated 14-4-87. The idea in sending the applicant on deputation to Latur from Sholapur was to make the applicant get acquainted with all the cash records and bring all cash records etc. from Sholapur to Latur. The applicant took charge of Latur Telegraph Division at Sholapur with effect from 19-4-87 afternoon. The establishment of Telecom District Engineering was shifted from Sholapur to Latur with effect from 24-4-87. The applicant with effect from 25-4-87 afternoon was working at Latur as the post of cashier also was shifted from Sholapur to Latur. It is the case of the applicant that he is entitled for all transfer benefits for being sent on deputation from Sholapur to Latur and back from Latur to Sholapur.

5. The respondents resist the application by contending that there is no "transfer" of the applicant involved and that the applicant was sent only on deputation from Latur to Sholapur that the applicant was paid the TA and DA that he is entitled for under the rules and so the application is liable to be dismissed.

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6. I have perused the records and the counsel for the respondents is also heard.

7. There is no "transfer" of the applicant from Latur to Sholapur and again from Sholapur to Latur. Only for the specific purpose to enable the applicant to get acquainted with the records as the office was being shifted from Sholapur to Latur the applicant seems to have been sent on deputation. As the applicant had been sent only on "deputation" and had not been transferred from Latur to Sholapur and back from Sholapur to Latur, I am unable to understand how the applicant is entitled for transfer benefits.

8. There are no merit in this application and the application is liable to be dismissed and the application is accordingly dismissed. No order as to costs.

T. Chandra Sekhar
(HTCSR)
M(J)

sd/-