

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

ORIGINAL APPLICATION No.700 OF 1988.

Shri L.R.Jaichandran,
Investigator,
Handicrafts Marketing and
Service Extension Centre,
J-7, Laxmi Nagar,
Nagpur - 440 022.

... Applicant

V/s.

1) Development Commissioner
for Handicrafts,
Office of the Development
Commissioner(Handicrafts),
West Block No.7, R.K.Puram,
New Delhi - 110 066.

2) Deputy Director(B&A),
Office of the Development
Commissioner(Handicrafts),
West Block No.7, R.K.Puram,
New Delhi - 110 066.

... Respondents

Coram: Hon'ble Member(J), Shri M.B. Mujumdar
Hon'ble Member(A), Shri P.S. Chaudhuri

Appearance:

Applicant in
person.

ORAL JUDGMENT:

Date: 18.1.1989.

¶Per: M.B.Mujumdar, Member(J)¶

Heard the applicant in person. The relevant facts
as narrated by the applicant are these:-

2. In 1972 the applicant was appointed as Store Keeper
at Bangalore. By memorandum dtd. 20.1.1987, the applicant was
informed that some posts of Investigator in the Headquarters
office and field offices were lying vacant or were filled up
on ad-hoc basis and it was proposed to fill up those posts
by regular promotion from amongst the eligible officials

in the feeder cadre. As the applicant was being considered for the post of Investigator, he was asked to intimate whether he was willing to be posted where the vacancies existed and, if so, ~~he~~ to intimate the names of at least 4 stations in the order of preference where he would like to be posted as an Investigator on regular basis. Accordingly the applicant informed the authorities of his choice of four places, viz, Mysore, Salem, Tirupathi and Bangalore.

3. By an order dtd. 6.3.1987 the applicant was posted at Mysore as Investigator on regular basis. At that time he was working at Anandapuram, Trichur. Before he was relieved from that post at Anandapuram, the order was revised by subsequent order dtd. 20th March, 1987. By that order the applicant was posted at Nagpur. The applicant made several representations against that transfer. No reply was received by him. On 2.4.1987 he was relieved from Anandapuram and asked to report at Nagpur. Accordingly he joined on 29.4.1987 at Nagpur under protest. By order dtd. 6.5.1987 the applicant is transferred from Nagpur to Warangal. The applicant has submitted a representation against that order on 9.5.1987. But as he did not receive any reply he has filed the present application on 20th September, 1988.

4. The applicant has made a number of prayers in the application. One of them is for setting aside his transfer from Anandapuram to Nagpur. Another prayer is for posting him at Mysore or at any other place opted for by him.

5. Obviously as the applicant has already joined at Nagpur on 29.4.1987 his prayer for cancelling the transfer to Nagpur cannot be considered at this late stage. The

applicant has not challenged his transfer from Nagpur to Warangal in this application. However, in his representation dtd. 9.5.1987 he has requested that he may not be disturbed from his present place of posting at Nagpur where he has already resumed duty. He has further stated that if he is relieved from Nagpur then he may be paid transfer TA/DA and joining time as per rules. From the transfer order dtd. 6.5. 1987 which is at Annexure 'J' to the application we do not find that the authorities have directed that the applicant will not get his transfer TA/DA or joining time. However, for clearing the apprehension in the mind of the applicant we propose to give a suitable direction.

6. The application is rejected summarily under Section 19(3) of the Administrative Tribunals Act. However, we direct that the respondents shall pay TA/DA and shall sanction joining time to the applicant as per Rules for joining his new posting at Warangal.


(P.S. CHAUDHURI)
Member(A)


(M.B. MUJUMDAR)
Member(J)