

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

Transferred Application No.185 of 1986

Shri Vasant M. Mirashi,
At Meghwadi, A-13,
S.S.Rao Road,
Bombay-400 012.

.. Applicant.

V/s.

Union of India, through
The Post Master General,
G.B.O.,
Bombay-400 001

.. Respondent.

Coram: Hon'ble Member(A) Shri P. Srinivasan.

Appearance:-

1. Applicant in person.
2. Shri S.R. Atre,
(for P.M.Pradhan)
Advocate for the
Respondent.

ORAL JUDGMENT:-

Date: 7.9.1987.

¶ Per Shri P.Srinivasan, Member(A) ¶

This Transferred Application originated as Short Cause Suit No. 3894 of 1984 before the Bombay City Civil Court, Bombay.

2. In this application, the applicant challenges an order of transfer dated 1.3.1983 by which he was transferred from Thane. The applicant who was working as Sorting Assistant at Thane was transferred and posted as Sorting Assistant at Chandrapur. The applicant also challenges subsequent orders dated 16.6.1983, 9.1.1984 and 28.1.1984 purported to be in pursuance of the said transfer.

3. The applicant himself in person and Shri S.R. Atre, Advocate (for Mr. P.M. Pradhan) for the Respondents have been heard.

P. Srinivasan

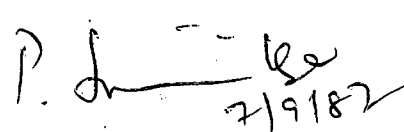
Contd..2/-

4. As stated earlier this application was filed as a suit before the Bombay City Civil Court on 28.6.1984 and it has been pending since then. Though no stay of the transfer order was allowed by the Court, the applicant did not join at Chandrapur. He informs ^{M Hal} me till now he has not joined anywhere and is staying in his village. The order of transfer has not been implemented so far, thus making cause of action, in effect, infructuous.

5. The applicant who was present in person ^M expressed an apprehension that if he joined ^{ed} duty at Chandrapur, he might be again subjected to harassment as in the past. He also expressed his desire to seek voluntary retirement from service. Shri Atre, on behalf of Respondent submits that the Respondent will have no objection to the voluntary retirement of the applicant if he joined duty at Chandrapur.

6. In the circumstances, I would direct the applicant to join duty at Chandrapur on or before 21.9.1987 in obedience to the transfer order dated 1.3.1983. He will submit his request for voluntary retirement soon after joining and the Respondent will allow him to retire in accordance with the rules. The period of absence from duty of the applicant from 1.6.1983 till the date of his re-joining duties may be regularised by granting all kinds of leave available to the applicant in accordance with the rules including extra ordinary leave. No disciplinary action should be initiated for his absence from duty during this period.

7. In the result, the application is disposed of on the terms indicated above. Parties to bear their own costs.


(P. Srinivasan)
Member(A)