

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

Original Application No. 350/86.

Shri Y.A. Shaikh,  
C/o D.N. Khan,  
P.W.I's Office,  
Nasik Road,  
Nasik.

... Applicant.

V/s.

1. The Commander Works Engineers  
Deolali Camp. Dist: Nasik.

2. The Chief Engineer, Southern  
Command, HQ Southern Command,  
Pune.

3. The Union of India, represented  
by the Secretary, Ministry of  
Defence, Govt. of India,  
New Delhi.

... Respondents.

Ceram: Vice-Chairman, B.C. Gadgil,  
Member(A), J.G. Rajadhyaksha.

Appearances:

Shri P.K. Dhakephalkar,  
advocate for the applicant and  
Shri M.I. Sethna for the  
Respondents.

Oral Judgment:

(Per B.C. Gadgil, Vice-Chairman).

Dated: 10.11.1986.

The Petitioner is challenging the order dated 13th February, 1986, transferring him from Deolali to Vishakapatham. He is working as an Upper Division Clerk in the Commander Works Engineers, Deolali. We have granted status quo order on 3.10.1986 and the matter was fixed for admission. We have heard Mr. Dhakephalkar for the applicant and Mr. Sethna for the Respondents. In our opinion, the matter is liable to be summarily rejected on the following grounds.

2. Mr. Dhakephalkar made submissions on three points. The applicant has served at Pulgaon from 1963 to 68 and again from 1970 to '75. The Government's

...2/-

policy is that an employee is required to serve at a 'hard station' according to his turn. On 5.6.1979 Pulgaon is declared as a hard station. Mr. Dhakephalkar therefore, contends that after having rendered service twice at Pulgaon as mentioned above, it was not proper on the part of the Respondents to transfer the applicant to another 'hard station' namely Visakhapatnam. The lacuna in his submission is that Pulgaon has been declared as a hard station in 1979, while the applicant served at that station much earlier to such declaration. It was urged by Shri Dhakephalkar that such subsequent declaration would permit the applicant to contend that he has rendered service at 'hard station'. In our opinion, this would not be possible inasmuch as, at the time when the applicant rendered service at Pulgaon that station was not a 'hard station'.

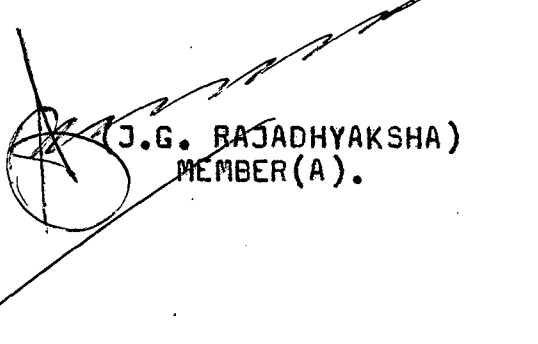
3. Another contention of Mr. Dhakephalkar is that some employees who are senior to the applicant have not rendered service at 'hard station' at all. He has given a list of 7 persons. Mr. Sethna stated before us that 3 out of these 7 persons have already rendered services at 'hard station' and that the remaining 4 are junior in service as compared to the service of the applicant. In this background, the applicant cannot make a grievance that the guidelines are not being properly followed.

4. It was lastly urged that the applicant is under medical treatment and that the Respondents would do a good turn if the transfer order is cancelled. Mr. Sethna submitted that the Respondents do admit about the illness of the applicant. He however, frankly stated that the Respondents are willing to abide by the directions of the Tribunal, in case the Tribunal

feels that some more time be given to the applicant to join the posting at Vishakapatnam. The impugned order is dated 27th March, 1986. Applicant was supposed to take charge in the month of May. Thus for the last 6 months he has not taken charge at Vishakapatnam. In our opinion, some more time may be granted to the applicant to join the new posting. Two months will be an appropriate time.

5. The Application is summarily dismissed. The status-quo order dated 3.10.1986 should continue up to 31st of December, 1986. We may further add that the grievance of the applicant about non-payment of salary for some months past may be considered according to the rules by the Department.

  
(B.C.GADGIL)  
VICE-CHAIRMAN.

  
(J.G. RAJADHYAKSHA)  
MEMBER(A).