

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 223 of 1989

~~Transfer Application No xxx~~

DATE OF DECISION: 10.2.1994

A. N. Pandey Petitioner

Mr. G S Walia Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

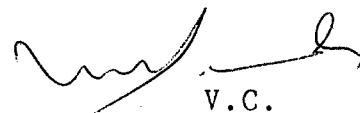
Mr. G. J. Sawant Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M S Deshpande, Vice Chairman

The Hon'ble Shri

1. To be referred to the Reporter or not ? *M.*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *M.*


V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

O A NO. 223 OF 1989

A N Pandey

Applicant

v/s

Union of India & Ors.

Respondents

Coram: Hon. Shri Justice M S Deshpande, Vice Chairman

Appearance:

Mr. G S Walia
counsel for applicant

Mr. G J Sawant
counsel for respondents

ORAL JUDGMENT:

(Per : M S Deshpande, Vice Chairman)

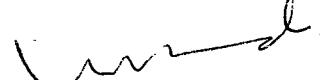
DATED: 10.2.1994

The applicant seeks D.A. at the rate of Rs.65 per day on the basis of the order 20.6.88, Exhibit A, by which there was temporary transfer on one post of Assistant Electrical Foreman for a period of 180 days to Kurla and the applicant was transferred to headquarters in the same grade and capacity and posted against the temporary transferred post of AEE HQ referred to above. According to the applicant by virtue of the Railway Board letter dated 9.2.87, Exhibit B, the applicant became entitled to full daily allowance because instructions permitted full daily allowance upto 180 days to employees who were on tour or on temporary transfer.

The respondents submission was that the transfer of the post may have been temporary but the applicant's transfer could not be regarded as temporary because the applicant could have been retained beyond the period of 180 days. It is difficult to accept the contention of the respondents. Emphasis was sought to be placed by the respondents on the order at Exhibit A. There

is no need to mention the first part of the order that there was temporary transfer of the post for a period of 180 days and the applicant was posted temporarily in that vacancy. The fact that the post was to be temporarily transferred for 180 days and the applicant was posted against that temporary transferred post gives sufficient indication that the transfer was for a period upto 180 days and the applicant therefore became entitled to the benefit of the Railway Board dated 9.2.1987.

The application is, therefore, allowed and the respondents are directed to pay the appropriate D.A. according to rules for the period for which the applicant had worked in the transferred post within two months from the receipt of a copy of this order. We quantify the costs @ Rs.200 (Rupees two hundred only).


(M.S. Deshpande)

Vice Chairman