

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCH, CAMP AT NAGPUR.

O.A. No. 163/89

198

XXXXXX

DATE OF DECISION 13.3.1989

Shri S. L. Munghate

Petitioner

Shri D. B. Walthera

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent(s)

Shri S. V. Gole (for Sh. S. V. Natu)

Advocate for the Respondent(s)

GORAM :

The Hon'ble Mr. M. B. Mujumdar, Member (J)

The Hon'ble Mr. M. Y. Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

(JW)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH, CAMP AT NAGPUR

OA. NO. 163/89

Shri S.L.Munghate,
Postal Assistant,
Kasturchand Park Sub Post Office,
R/o Plot No.12, Telecom Nagar,
P.O.Laxminagar, Nagpur-440 022.

... Applicant

V/S.

Union of India through
Secretary,
Dept. of Posts,
Ministry of Communications,
New Delhi-110 001.

AND THREE OTHERS.

... Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri M.Y.Priolkar

Appearances:

Shri D.B.Walshare
Advocate
for the Applicant

Shri S.V.Gole (for S.V.Natu)
Advocate
for the Respondents

ORAL JUDGMENT

Dated: 13.3.1989

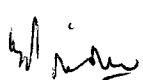
(PER: M.B.Mujumdar, Member (J))

Heard Mr.D.B.Walshare, learned advocate for the applicant and Mr.S.V.Gole for Mr.S.V.Natu, learned advocate for the respondents. Respondents have filed their reply opposing the admission.

2. Since 1980 the applicant was working as Postal Assistant at Kasturchand Park Post Office. By order dated 21.1.1986 he was transferred from Kasturchand Park Post Office to Mohan Nagar. On his representation, he was retained upto 31.5.1986. On 20.5.1986 he was telephonically asked to join as Postal Assistant at Model Mills Post Office as a stop-gap arrangement and as somebody was sick there. But he insisted for written orders and did not join the Model Mills Post Office. He was allowed to

continue upto 31.12.1986 at Kasturchand Park on his request. Again on 5.7.1987 he was transferred to Mohan Nagar Post Office as Postal Assistant. But on his request, he was given a personal interview by the Senior Superintendent, Nagpur City Division. He also gave an undertaking on 9.7.1988 stating that he shall not refuse any order of transfer which would be issued after 31.12.1988. Still he made another representation dated 3.1.1989 requesting that he be retained at Kasturchand Park Post Office for two years more. On 20.1.1989 he submitted another representation requesting that he may be retained at Kasturchand Park Post Office atleast till end of April, 1989. By order dated 21.12.1988 the applicant is transferred to General Post Office at Nagpur as Postal Assistant. The applicant has challenged the said order by filing the ^{present} ~~said~~ application.

3. We may point out that all the transfers orders are within the area of 2 k.ms. But the applicant has adamantly refused to join his new postings. On 9.7.1988 he gave an undertaking stating that he would not refuse any transfer orders which will be issued after 31.12.1988. Still he has challenged the transfer order dated 21.12.1988. After considering all the facts and arguments, we reject the application summarily and direct that the applicant shall pay Rs.100/- to the respondents. If the applicant does not pay the cost of Rs.100/- within one month from today, the respondents may recover it from the salary of the applicant.


(M.Y. Priolkar)

MEMBER (A)


(M.B. Mujumdar)

MEMBER (J)