

*Draft*

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 1100 /1996

Date of Decision: 21/11/96

Appasaheb Bhagwan Jare

Petitioner/s

Shri R.P. Saxena

Advocate for the  
Petitioner/s

V/s.

Union of India & 2 Ors.

Respondent/s

Shri Vadhwarkar alongwith  
Shri M.I. Sethna

Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri B.S. Hegde, Member (J).

Hon'ble Shri

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?

abp.

*B. S. Hegde*  
(B. S. HEGDE)  
MEMBER (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG. NO. 6, PRESCOT RD., 4TH FLR.,

MUMBAI - 400 001.

ORIGINAL APPLICATION NO. 1100/96.

DATED THIS 21ST DAY OF NOVEMBER, 1996.

CORAM: Hon'ble Shri B.S. Hegde, Member (J).

Appasaheb Bhagwan Jare,  
1056/30/7, C.G.S. Colony,  
Antop Hill, Mumbai - 400 037.

... Applicant

By Advocate Shri R.F. Saxena.

v/s.

1. Union of India through  
The Director General,  
(Civil Construction Wing),  
6th Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi-110 003.

2. The Superintending Engineer (E),  
Civil Construction Wing,  
All India Radio, TV Centre Complex,  
Seminary Hills,  
Nagpur - 440 006.

3. The Executive Engineer (E)  
Civil Construction Wing,  
All India Radio, Doordarshan Kendra,  
Worli, Mumbai - 400 025.

... Respondents.

By Advocate Shri Vadhavkar alongwith  
Shri M.I. Sethna.

I O R D E R I

[ Per Shri B. S. Hegde, Member (J) ]

The only prayer made in this OA is that the transfer order issued by respondents dated 24/7/96 transferring the applicant from Mumbai to Pune Division be quashed and set aside.

2. The Learned Counsel for the applicant stated that the first transfer order issued by respondents was dated 28/5/96 transferring the applicant from Mumbai Division to



Nagpur Division including one Bijukumar who is transferred from Mysore to Pune Division.

3. The applicant submitted representation to the competent authority stating about his hardship and that his transfer to Nagpur may be cancelled and he may be retained at Mumbai, which has been considered by the Head Quarters at Delhi. The Competent Authority replied vide letter dated 17/7/96, directing the respondents to retain the applicant at Mumbai in view of the fact that the applicant is physically handicapped and is undergoing treatment at Mumbai, and instead of putting the direction of the Headquarter letter into action, the respondents vide their letter dated 24/7/96 retransferred the applicant from Mumbai Division to Pune Division and Shri Bijukumar from Pune Division to Mumbai Division. The Tribunal vide its order dated 28/10/96 stayed the transfer order dated 24/7/96.

4. During the course of hearing, the Learned Counsel for the respondents draws my attention to the letter issued by the competent authority vide dated 14/8/96 on the subject- 'Reconsideration of the transfer order issued in respect of the applicant, which reads as follows:-

"In view of the circumstances, explained above I think that his transfer order to Pune requires reconsideration and efforts should be made to keep in Mumbai so as to enable him to obtain proper medical facilities. If necessary, he may be shifted to the Planning Units in Executive Engineer(C)is office if SE desires any interchange of seats. Alternatively, he may be persuaded to proceed to Pune with clear and positive assurance that he would be allowed to come to Mumbai for Medical treatment as and when desired. However, efforts should be made to retain him at Mumbai by changing his posting order. Further action in this regard may kindly be initiated from your end."

*BC*

5. It is understood that the applicant is undergoing treatment at All India Institute of Physical Medicine & Rehabilitation at Haji Ali Park, K. Khade Road, Bombay-34.

6. In the facts and circumstances of the case, I hereby quash and set aside the transfer order dated 24/7/96 and direct the respondents to allow the applicant to continue in Mumbai till the end of academic year 1997. Thereafter, it is open to the respondents to transfer the applicant. The applicant to be treated as not relieved till he rejoins and his absence if any be treated in accordance with Rules.

7. OA is disposed of with the above directions.  
There will be no orders as to costs.

  
(B. S. HEGDE)  
MEMBER(J)

abp.