

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 695/99

Date of Decision: 17.12.1999.

M. Y. Qureshi

Applicant.

Shri G. S. Walia

Advocate for
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Shri V. S. Masurkar

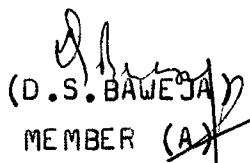
Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. D. S. Bawej, Member (A)

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?
- (3) Library


(D.S. BAWEJ)
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.695/99

Friday this the 17th day of December, 1999.

CORAM : Hon'ble Shri D.S.Baweja, Member (A)

M.Y.Qureshi,
Divisional Commercial Inspector(C),
Agra Fort,
Under Head Quarters Office,
Western Railway,
Churchgate, Mumbai.

...Applicant

By Advocate Shri G.S.Walia

V/S.

1. Union of India through
General Manager,
Western Railway
Head Quarters Office,
Churchgate, Mumbai.

2. Chief Commercial Manager,
Western Railway
Head Quarters Office,
Churchgate, Mumbai.

3. Chief Claims Office,
Western Railway
Head Quarters Office,
Churchgate, Mumbai.

...Respondents

By Advocate Shri V.S.Masurkar

ORDER (ORAL)

(Per: Shri D.S.Baweja, Member (A))

This OA. has been filed by the applicant challenging his transfer from Agra to Jaipur as per the impugned order at Exhibit-'A'.

(D)

2. The applicant in the OA. has taken several grounds for challenging his transfer from Agra to Jaipur. One of these grounds advanced is that he has a large family of 5 children and they are studying at Agra in various classes and any transfer out of Agra at this stage during the mid-academic session will seriously affect their studies.

3. The respondents have filed written statement opposing the OA. and justifying the transfer order. The respondents have also questioned the territorial jurisdiction of this Bench in filing the present OA. The applicant has filed rejoinder reply for the same.

4. Heard Shri G.S.Walia, learned counsel for the applicant and Shri V.S.Masurkar, learned counsel for the respondents.

5. The learned counsel for the applicant during hearing made a submission that the grievance of the applicant will be met with if he is allowed to continue at the present place of posting till the present academic session is over so that the education of his children is not disturbed. Since only a few months ^{are} left for the academic session to be over, the request of the applicant, we are of the view ~~that~~ ^{can} be acceded to. Instead of going into the merits of the case, the OA. can be disposed of by allowing the applicant to continue at present place of posting till the academic session is over, i.e. till 30.5.2000.



6. In view of the above, the DA. is disposed of with the direction to the respondents to allow the applicant to continue at the present place of posting,i.e. Agra till 31.5.2000. Thereafter, the applicant will carry out the transfer order to Jaipur without any issue of further order. It is also provided that the applicant will not have any liberty to agitate for seeking legal remedy for the cause of action arising out of this transfer. The applicant is,however, at liberty to make representation to the department and this order will not preclude the department to consider the same to redress his grievances. In view of this order, the question of jurisdiction is left open. No order as to costs.


(D.S. BAWEJA)

MEMBER (A) 

mrj.