

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 170/99

Date of Decision: 15.4.1999

Kum. Deepti Chhanganlal Kataria Petitioner/s

Shri K.R. Yelwe.

Advocate for the  
Petitioner/s.

v/s.

Union of India and others.

Respondent/s

Shri S.S.Karkera for

Shri P.M.Pradhan.

Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri Justice R.G.Vaidyanatha Vice Chairman

Hon'ble Shri

(1) To be referred to the Reporter or not? *W*

(2) Whether it needs to be circulated to  
other Benches of the Tribunal? *W*

*R.G. Vaidyanatha*  
(R.G. Vaidyanatha)  
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, MUMBAI:1

Original Application No. 170/99

Thursday the 15th day April 1999

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

Kum. Deepti Chhaganlal Kataria  
residing at Champakali Cross  
Lane near M.J. Market,  
Kalbadevi, Mumbai.

... Applicant.

By Advocate Shri K.R. Yelwe.

V/s.

1. Union of India through  
The Director General of  
All India Radio  
Broadcasting House.  
Parliament Street,  
New Delhi.
2. The Deputy Director General  
(West Zone,  
Akashwani Bhavan,  
Mantralaya.  
Bombay.
3. The Station Engineer  
All India Radio  
Baroda.
4. Shri Prem Singh  
ex- station Director  
Chapner Co.op. Housing  
Soc. Ltd., Usmanpura,  
Wadej, Ammedabad.

... Respondents.

By Advocate Shri S.S.Karkera for Shri P.M.Pradhan.

ORDER (ORAL)

¶ Per Shri Justice R.G.Vaidyanatha, Vice Chairman

This application has been filed by the applicant seeking a direction to the respondents to give her posting anywhere in India except at Surat and other consequential reliefs. The respondents have filed reply opposing the application. I have heard the learned counsel for both sides.

The applicant's grievance is that after reinstatement she has not been given any posting order till now.

...2...!



Her prayer in the O.A. is that she must be given posting anywhere in India except at Surat. Now today the learned counsel for the respondents placed two documents before me. The letter dated 20.8.1997 shows that the applicant has given representation for posting anywhere in India and given four places of choice , Ahmedabad, Rajkot, Surat, Godhara. Now I find that the respondents in supersession of the previous order issued an order of posting dated 12.12.1997 under which the applicant has been posted in All India Radio, Rajkot.

At this stage the learned counsel for the applicant states that the applicant has not received the order of posting dated 12.12.1997, but he has stated that a copy of the posting order has been received by her <sup>in</sup> in the last week. Anyhow the respondents have made the position clear that they have already issued the order of posting on 12.12.1997.

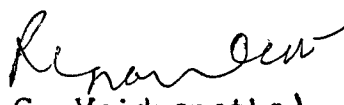
Now the applicant has been put on <sup>with</sup> notice of the order dated 12.12.1997 and she can very well join in the place namely All India Radio, Rajkot. The learned counsel for the applicant submits that the applicant is not happy with the posting in Rajkot. What I see is that this is one of the places <sup>the</sup> applicant had given as her choice. However, it is open to the applicant, after joining at Rajkot, to make a representation about her personal difficulties and seek for a change of place and it is for the administration to apply their mind and consider the case and pass appropriate order as per law.

As far as the second prayer in the O.A. is concerned, she wants a direction that the respondents should pay her salary for the intervening period. The learned counsel for the respondents states that the applicant is not entitled to any salary for the intervening period since she has not reported for duty. However this question is left open, after the applicant joins the post at Rajkot she can make a suitable representation seeking arrears of salary and allowances etc. If such a representation is made, the administration may consider the same and decide whether she is entitled to any salary and allowance and if so for what period and pass an appropriate order according to law. If still the applicant is aggrieved by the order of the administration she may take appropriate legal steps to challenge the same.

As far as the 3rd relief is concerned, this Tribunal cannot make any order for investigation for the grievance of the applicant. It is open to the applicant to make proper representation to higher authority or to Head of the department through proper channel. It is for the higher authority or the Head of the department to consider the same as per law.

In the result the O.A. is disposed of at the admission stage with the above observations. No order as to costs.

Copy of the order be given the parties.

  
(R.G. Vaidyanatha)  
Vice Chairman