

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:441/2000

DATE OF DECISION: 31.7.2000

Smt. Mamta Vijay Shiktode Applicant.

Shri S.P.Kulkarni Advocate for  
Applicant.

Versus

Union of India and others Respondents.

Shri V.S. Masurkar Advocate for  
Respondents

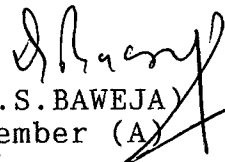
CORAM

Hon'ble Shri D.S.BAWEJA, Member (J)

(1) To be referred to the Reporter or not? <sup>Y</sup>

(2) Whether it needs to be circulated to <sup>P</sup>  
other Benches of the Tribunal?

(3) Library. <sup>Y</sup>

  
(D.S.BAWEJA)  
Member (A)

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CENTRAL AMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO:441/2000

MONDAY the 31st day of JULY 2000

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

1. Smt. Mamta Vijay Shiktode  
Residing at  
D/36, Sahakar Vishwa Co-op.  
Housing Society, Near  
Sarvodayanagar's Jain Temple  
Nahut Road, Hiranagar,  
Mulund, Mumbai.

2. Suresh Ramaji Raut,  
Residing at  
69/458, Shamrao  
Patil Nagar, Maharashtra  
Housing Board, At P.O.  
Ambarbath (West)  
Dist. Thane.

...Applicants

By Advocate Shri S.P. Kulkarni.

V/s

1. Union of India through  
General Manager,  
Central Railway, C.S.T.  
Near G.P.O., P.O. Mumbai.
2. Deputy Chief Accounts Officer  
Central Railway, C.S.T. Mumbai.
3. The F.A. & C.A.O. (Admn)  
CST., Central Railway,  
Mumbai.

By Advocate Shri V.D. Vadhavkar.

4. Smt. W.T. Thara  
(Smt. Tara Chandragode)  
S.O. Stores Accounts,  
Central Railway  
CST Mumbai.

...Respondents.

By Advocate Shri V.S. Masurkar.

ORDER (ORAL)  
{Per Shri D.S. Baweja, Member(A)}

This OA has been filed jointly by two applicants who were working as Section Officer in Central Railway, Mumbai. Both the applicants have registered their name for transfer to Nagpur.



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The OA has been filed on the apprehension that respondent No.4 Smt. W.T. Tara who is junior to the applicants as per the date of registration for transfer is being transferred to Nagpur and approval to this effect has been recorded as per the office note dated 27.6.2000. The OA has been filed on 29.6.2000 making respondent No. 4 as party respondent and seeking the relief of quashing of the transfer of respondent No.4 to Nagpur and also restrain the official respondents from relieving respondent No.4. It is also prayed that the respondents be directed to adhere to the seniority list as per date of registration for transfer to Nagpur.

2. Official respondents have filed written statement. The respondents in para 2 of the written statement have stated that both the applicants are senior as per date of registration for transfer to Nagpur to that of respondent No.4. The respondents in the same para have also submitted that no transfer order has been issued or even approved in favour of respondent No.4 and therefore the contention of the applicant that transfer of respondent No.4 has approved is not tenable. It is also stated that if the vacancy occur at Nagpur the same will be filled up bearing in mind the administrative exigencies as well as the various guide lines laid down.

3. Respondent No.4 has filed separate written statement. In para 4 of the reply, the respondent No.4 has brought out that the respondents have taken a decision in the file to transfer the applicant but same has been withheld. The respondent No.4 has also brought out that he is entitled for transfer on preference on the basis of the circular No. E(NG)197/TR/28 dated 5.11.1997 which provided that both husband and wife are to be posted at the same place.

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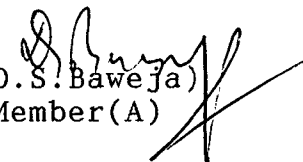
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4. The applicant has filed rejoinder to the reply filed by both respondent No. 1 to 3 and 4 and reiterated the grounds taken in the OA.

5. Heard arguments of Shri S.P. Kulkarni counsel for the applicant. Shri V.D. Vadhavkar counsel for respondent No. 1 to 3 and Shri V.S. Masurkar counsel for respondent No.4.

6. From the averments made by the applicant in the OA and the reply filed by the respondents, it is quite obvious that the applicants have filed the present OA only on apprehension and no order of transfer has been issued by the respondents. In view of the categorical submission of the respondents, the OA is premature. The applicants can be aggrieved only when a specific order is passed ignoring the calim of the applicant No. 1 and 2 for transfer to Nagpur as per the date of registration. Therefore I am of the considered view that the OA deserves to be dismissed at the stage of admission as being premature.

7. In view of the above, the OA is dismissed at the stage of admission. However it is provided that if the applicants are aggrieved by any order, they can challenge the same as per law. Interim relief granted on 21.7.2000 is hereby vacated. M.P. 427/2000 also stands disposed of accordingly. No order as to costs.

  
(D.S. Baweja)  
Member(A)