

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:397/2001

DATE OF DECISION: 31.1.2002

Shri Govindrao Dodhu Thorat Applicant.

Shri S.P.Kulkarni Advocate for
Applicant.

Verses

Commissioner through Deputy Commissioner Respondents.
(Admn)KVS, New Delhi.

Ms. H.P.Shah Advocate for
Respondents

CORAM

Hon'ble Shri S.L.Jain, Member(J)

- (1) To be referred to the Reporter or not?]
(2) Whether it needs to be circulated to
other Benches of the Tribunal?] No
(3) Library.]

S.L.Jain
(S.L.Jain)
Member (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 397/2001

THURSDAY the 31st day of JANUARY 2002

CORAM: Hon'ble Shri S.L.Jain, Member (J)

Govindrao Dodhu Thorat
Residing at C-7,
Teachers Colony,
Ordnance Estate,
P.O. O.E. Ambernath,
District Thane.

...Applicant

By Advocate Shri S.P.Kulkarni.

V/s

1. Commissioner, through
Deputy Commissioner (Administration)
Kendriya Vidyalaya Sangathan
18, Institution Area,
Shaheed Jeet Singh Marg.,
P.O. New Delhi.
2. Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, I.I.T.,
Powai, P.O. Mumbai.
3. The Principal Kendriya Vidyalaya
Ordnance Estate, P.O.
O.E. Ambernath,
(District Thane)

...Respondents.

By Advocate Ms. H.P. Shah.

ORDER (ORAL)

{Per S.L.Jain, Member(J)}

This is an application under Section 19 of the Administrative Tribunals Act 1985 for a declaration that order of transfer of the applicant from Ambernath (Thane - Maharashtra) to Dimapur (Silchar Region - Assam) is punitive, arbitrary, malafide and violative of Principles of natural justice as it precludes applicant to defend his case pending at the present place. A further direction was sought to keep the above order in abeyance till the

S.L.J.

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till the finalisation of Departmental / criminal cases and allow the applicant to rejoin present post. The further relief asked is to quash and set aside the order of transfer (Exhibit A) or modify the transfer order by posting him in Mumbai Region / Maharashtra State K.V. any where or Surat in Gujarat till conclusion of Departmental /Criminal cases.

2. The applicant had joined the new post in August 2001. While the OA was filed on 6.6.2001.

3. After joining of the applicant at new place of posting the OA in respect of his transfer either to quash or modify does not survive. Therefore I do not proceed to decide the matter on merit regarding the transfer order.

4. It is a fact that the Criminal case is pending against the applicant alongwith a departmental enquiry. The applicant has been transferred from one State to another. It would be proper if the respondents consider at the first available occasion of transfer of the employees as per the request of the applicant for posting him in Mumbai (Maharashtra) or Surat (Gujarat).

5. With these observations the OA is disposed of. No order as to costs.

PCSNL
(S.L.Jain)
Member(J)

NS

dt: 31.7.2002
order/Judgement despatched
to Applicant/Respondent (s)
on 15.2.2002

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