

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI
CAMP AT AURANGABAD

STAMP NO. (A) 4/2001.

O.A. No (A) 923/2001

THURSDAY the 6th day of DECEMBER 2001.

CORAM : Hon'ble Shri S.R. Adige, Vice Chairman
Hon'ble Shri S.L. Jain, Member(J)

Pawar Haribhau Vyankatrao
R/o : Paithan, Tq. Paithan
District Aurangabad.

...Applicant

By Shri Govind L. Ladhe, Advocate.

V/s

1. Union of India through
Secretary, Union Government,
New Delhi, Deptt. of Telecomm,
Sanchar Bhavan,
2. The Deputy General Manager (Rural)
Aurangabad, Telecom (Deptt.).
3. The Divisional Engineer, Rural(North)
Aurangabad, Telecom (Deptt.).
4. The Divisional Engineer, Rural
(South), Aurangabad,
Telecom (Deptt.).
5. The Assistant General Manager (Admn)
Aurangabad, Telecom (Deptt).
6. The Sub. Divisional Engineer(Phones)
Kannad, Dist. Aurangabad,
Telecom (Deptt).
7. The Sub. Divisional Engineer, Phones
(Group) Paithar, Dist. Aurangabad,
Telecom (Deptt).
8. Shri S.S. Gawai, Sr.TOA.(P) Grade-II
Under Sub. Division Eng. Harsool
Customer Service Centre under Harsool
Dist. Aurangabad, Telecom(Deptt). ...Respondents.

: 2 :

ORDER(ORAL)

{ Per S.R. Adige, Vice Chairman }

The applicant impugned respondent's order dated 13.12.2000 (Exhibit C) transferring him from Kannad to Paithan.

2. We have heard learned counsel for the applicant Shri Govind L. Ladhe.

3. It is not denied that aforesaid transfer order dated 13.12.2000 has been implemented, and the applicant has joined duty at Paithan, and the incumbent at Paithan, Shri S.S. Gawai has also been transferred to his new station i.e. Harsool.

4. The applicant contends that his transfer from Kannad to Paithan is unjust in as much as persons who have continued to remain at Kannad for the last 25 years have still been retained there, while applicant ^{who} served ⁱⁿ Kannad ^{only} for about 3 years has been transferred. He ^{contends} ~~contends~~ that for personal reasons, including education of his children, he had desired to remain at Kannad.

5. The impugned transfer order has been un-deniably implemented, and applicant has moved to paithan pursuant to the impugned transfer orders nearly one year back and ^{consequent} ~~subsequent~~ transfer also been implemented. It would be difficult to interfere ⁱⁿ ~~for~~ the same at this stage.

6. We therefore dispose of this OA with a direction to the respondents that in the event the applicant makes a self contained representation for transfer back to ^{Kennad} Paithan or to any another near place, the respondents should consider the same sympathetically in accordance with rules and instructions on the subject.

7. In this connection the applicant also contends that he has not been paid his legitimate dues since he has reported ^{at} ~~to~~ Paithan. He states that prior to his joining Paithan he was on leave on medical grounds for 205 days. The respondents should ensure that applicant's legitimate dues are paid to him as expeditiously as possible, preferably within two months from the date of receipt of copy of this order.

8. The OA is disposed of at preliminary stage with the above directions. No costs.

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

S.R. Adige
(S.R. Adige)
Vice Chairman

NS

(*) Corrected as 'Kennad' as per Tribunal's order dt 22/3/02
copy enclosed.

S. A. Deshpande
(S. A. Deshpande)

DY. REGISTRAR,
CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI DEPT.,
GULSHAN BLDG., 103/104 ROAD,
MUMBAI - 400 001.

Central Administrative Tribunal
Mumbai Bench

MA No.181 of 2002
in
O.A. No. 923 of 2001

New Delhi, dated this the ^{22/3/}~~22/3/~~, 2002.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. S.L. JAIN, MEMBER (J)

In the matter of:

Pawar Haribhau Vyankatrao,
R/o Paithan, Tg. Paithan,
Distt. Aurangabad
(Office of Sub.Divl.Engineer, Phones(Group)
Paithan,
Distt.Aurangabad. ...Applicant.
(By Advocate: Shri Govind L.Ladhe)

Versus

UOI & 7 Ors. ...Respondents.

ORDER ON MA (by circulation)

S.R. ADIGE, VC (A)

Perused MA No.181/2002 seeking a small
typographical correction in our order dated 6.12.2001
in OA No.923/2001 P.H.Vyankatrao Vs. UOI & Ors.

2. We are satisfied that the work "Paithan"
occurring in the 4th line of para 6 of the aforesaid
order dated 6.12.2001 should actually read "Kannad".

3. Registry to carry out the necessary
correction and issue corrected copy of the order
dated 6.12.2001 to parties forthwith.

4. MA No.181/2002 disposed of accordingly.

(S.L.Jain)
Member (J)

(S.R. Adige)
Vice Chairman (A)

/ug/

at 22.3.2002
Order/Judgement despatched
to Applicant/Respondent (s)
on 19.4.2002

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P. No.: 47/2002 IN O.A. No. 923/2001

Dated this Friday, the 13th day of December, 2002.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

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

Pawar Haribhau Vyankatrao,
R/o. Paithan,
Dist. Aurangabad.

... Applicant.

(By Advocate Shri G.L. Ladhe)

VERSUS

1. Babanrao Narayan Patil,
Assistant General Manager,
Telecom Aurangabad.

2. Union of India, New Delhi
& Others.

... Respondents
(Contemnor)

(By Advocate Shri V. S. Masurkar)

TRIBUNAL'S ORDER :

We have heard Learned Counsel, Shri G.L. Ladhe, who has assisted us in the matter of going into the Contempt Petition No. 47/2002. A reply has also been filed. Learned Counsel, Shri V.S. Masurkar, has taken us through the reply.

2. The first point made is that the order in the O.A. merely states that Respondents should ensure that Applicant's legitimate dues are paid to him as early as possible and preferably within two months. It is not as if the question of quantification of these dues have been arrived at in the order in O.A. It, therefore, implies that these dues will be paid as admissible and entitled as per rules.

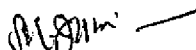
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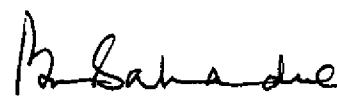
Bns

3. This aspect has been gone into in para 7 of the Reply Statement which we have gone through with the assistance of both counsel. We are not going de novo into the merits of the case. If there is no admissibility of dues, this cannot be paid. The Applicant cannot come up in the case for fresh assessment of his grievance. In respect of matter regarding posting at Kannad, we find that there is no contempt or any wilful disobedience of the order on any count.

4. Since there is no wilful disobedience of the order evident, we find no reason to pursue the issue raised in this contempt petition. The Contempt Petition is hereby dismissed.

5. Notices on C.P. issued are discharged. No costs.


(S.L. JAIN)
MEMBER (J).


(B.N. BAHADUR)
MEMBER (A).

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