(9)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH.

Original Application No.880/90.

Smt. Y.A.Kamble. .... Applicant.

V/s.

Union of India & Ors. .... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
Hon'ble Ms. Usha Savara, Member(A).

Appearances:-

Applicant by none.
Respondents by Shri V.S.Masurkar.

Oral Judgment:-

(Per Shri M.S.Deshpande, Vice-Chairman) Dt. 24.6.1993

None for the applicant. Shri V.S.Masurkar for the Respondents.

2. It is apparent that the applicant had applied for posting on Compassionate grounds and had given an undertaking that she would make her own arrangement for residential accommodation. She could not be retained in the same place because she was the seniormost at the station and came to be transferred. Her representations were rejected by giving good reasons. The question whether the official should be transferred or not would depend on the judgment of the Government.

3. In the present case, we see no justifying reasons for our interference. The application is therefore, dismissed.

(USHA SAVARA)
MEMBER(A)

(M.S.DESHPANDE)
VICE-CHAIRMAN

B.

(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY

R.P.No.63/93 in
O.A.No.880/90

Mrs.Y.A.Kamble .. Applicant

vs

Union of India & Ors. .. Respondents.

Coram : Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman
Hon'ble Ms.Usha Savara, Member(A).

Tribunal's Order Dated: 27-8-93

(Per: Hon'ble Ms.Usha Savara, Member(A)

This petition has been filed against the order passed by us in O.A.No.880/90 on 10.7.93 by which the O.A. has been dismissed.

The application had been filed against order dated 19.9.'90 by which the applicant had been transferred from Ammunition Factory, Kirkee, Pune to 2 Wing, Ammunition Factory, Pune. It was also prayed that the married accommodation allotted to the applicant be not disturbed. Since the transfer had been made as a result of the request of the applicant by letter dated 2.11.'89, in which she had also given her willingness to serve at lower grade, there was no reason to interfere with the order, and accordingly, the O.A. was dismissed.

By this petition the applicant has asked for setting aside the order dated 10.7.93 on the ground that the transfer was not made on her request on compassionate grounds, as her application was returned to Director, D.S.C. Hqrs., Southern Command, Pune. Therefore, the Tribunal had proceeded on an incorrect premise. There was a mistake apparent on the face of the record and on that ground, the order be set aside.

(11)

The scope of review is confined to the provisions analogous to of Or.47 Rule 1 of C.P.C. The applicant has alleged that an error apparent on the face of the record has resulted in wrong dismissal of the application. The applicant has based her case on Para 9, Page 3 of the Respondent's reply only, but this cannot be read in isolation. Her application for compassionate transfer was taken into consideration, as well as , the fact that she was the "longest stayee" in terms of para 10(b) and (d) of the transfer policy, before the order of her posting was issued. In the circumstances, it is clear that there is no error, and the petitioner has no ground justifying a review. The Review Petition is,accordingly, dismissed by circulation as provided in the rules.

(Ms.Usha Savara)
Member(A)

(M.S.Deshpande)
Vice-Chairman

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