

(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:-

1. 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 ~~like~~ 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 ~~she~~ 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
(USHA SAVARA)
MEMBER (A)

M.S.D
(M.S.DESHPANDE)
VICE-CHAIRMAN

(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))

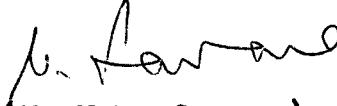
This petition has been filed against the order
passed by us in O.A.No.880/90 on 10.7.93 by which
the O.A. has been dismissed.

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.

The scope of review is confined to the provisions
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