

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 849/90

Transfer Application No:

DATE OF DECISION 5-4-94

M.N.Shinde

Petitioner

Shri B.Dattamurthy

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri S.S.Karkera

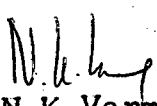
Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri N.K.Verma, Member(A)

The Hon'ble Shri

1. Whether Reporters of local papers may be allowed to see the Judgement ?
  2. To be referred to the Reporter or not ?
  3. Whether their Lordships wish to see the fair copy of the Judgement ?
  4. Whether it needs to be circulated to other Benches of the Tribunal ?
- / w

  
(N.K.Verma)  
Member(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

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O.A.849/90

M.N.Shinde

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Applicant

vs

Union of India & Ors.

..

Respondents

Coram: Hon'ble Shri N.K.Verma, Member (A)

Appearance:

Shri B.Dattamurthy  
counsel for the  
applicant.

Shri S.S.Karkera  
counsel for the  
respondents.

Dated: 5-4-94

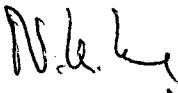
Oral Judgement

(Per: Shri N.K.Verma, Member(A)).

The applicant was transferred from Bombay to Ahmednager on his own request against a vacancy which existed under order dated 3rd Nov.1989. It was specified in that order that the transfer was on his own request. Shri Dattamurthy states applicant had not at any stage requested that request transfer should be on the basis of foregoing his TA/Transit which was acceded in the normal course. He should not have been denied travelling allowance and other benefits. Shri Karkera counsel for the respondents was not able to state the grounds on which the respondents took the view that it was request transfer forfeiting TA and other claims. It is a undeniable fact that applicant was earlier posted to another station at Chandrapur. He did not join at Chandrapur because of illness. He, therefore,

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continued on medical leave. He was transferred to Ahmednagar where the vacancy arose. Had he joined at Chandrapur the transfer allowance would have been given to him. Any request transfer made in the Government does not necessarily deny the receipt of normal TA/DA unless the applicant had made specific request of transfer on his own cost. In the circumstances, the applicant succeeds. Orders accordingly. This may be complied with within 3 months from the date of the receipt of the order. No order as to costs.

  
(N.K. Verma)  
Member(A)

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