

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

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O.A.62/91

Mrs.V.A.Upadhaye,
C/o. Babu Marlapalle & Associates
Advocates & Legal Advisors
Shanta Sadan,
Atreya Housing Society,
Poona - 411 016.

.. Applicant

vs.

1. The Engineer in Chief
Army Headquarters
Kashmir House,
New Delhi - 110 011.
2. The Chief Engineer,
Southern Command
Poona 411 001.
3. The Chief Engineer,
Pune Zone,
Poona 411 001.
4. The Commander,
C.W.E.,
Poona 411 001.

.. Respondents

Coram: Hon'ble Shri U.C.Srivastava, Vice-Chairman
Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.S.P.Saxena,
Advocate for the
Applicant.
2. Mr.R.K.Shetty
for the respondents

ORAL JUDGMENT: Date: 27-3-1991
(Per U.C.Srivastava, Vice-Chairman)

This application is directed against a transfer order and has been argued at length by the learned counsel for both the parties. The applicant, undoubtedly, is staying at Pune for the last 25 years. She has been transferred to Bhusawal. Against the transfer order she made a representation stating therein that her children ~~are~~ studying in the College and in the middle of the present academic year her transfer to Bhusawal will effect their study adversely and she has also further prayed that she may not be transferred out of Pune. In the application

her grievance is that her transfer order is arbitrary and favour has been shown to other ladies who is staying at Pune for several years. She has given an example of one Mrs. Shinde who is staying at Pune for more than 25 years ~~and the~~ also came forward with the plea that because against departmental action she has presented an application before the Tribunal which is pending and in case she is transferred out of Pune it will not be possible for her to do any appeal and it appears that in order that she may be deprived of her right she has been transferred.


2. There may be good ground for the superior authority to interfere and take into consideration. But we do not find any good ground for ourselves to interfere in the transfer order which has ^{been} passed in the exigency of service.


3. In view of the fact that she had preferred a representation and has raised certain grievances, ~~and~~ we hope ~~that~~ and trust that the authorities will consider the matter taking into consideration her ~~grievances~~ and totality of the circumstances and will see that in case her transfer is necessary let her be transferred to a place which may be nearer to Pune from where she can also look after and manage her family affairs

every now and then.

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4. With the facts which we expressed above and with a direction that her representation be disposed of within three weeks from the date of communication of this order taking into consideration her grievances and totality of the circumstances this application is otherwise rejected. **There** will be no order as to costs.


(M.Y. PRIOLKAR)
Member(A)


(U.C. SRIVASTAVA)
Vice-Chairman