(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 911/92 199
T.A. NO:

DATE OF DECISION 16.2.93

K. Padmanathan Petitioner

Mr. V M Bendre Advocate for the Petitioners

Versus

U O I & 2 ors. Respondent

Mr. V.S. Masurkar Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K. Dhaon, Vice Chairman

The Hon'ble Mr. Ms. Usha Savara, Member (A)

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

No

V.C.

mbm*

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO. 6
PRESCOT ROAD, BOMBAY 1

OA NO. 911/92

MR. K. PADMANATHAN
TINGRE NAGAR
PLOT NO. 786;
NEW WATER TANK
PUNE 15 APPLICANT

V/s

UNION OF INDIA
THROUGH CHIEF OF NAVAL STAFF
NEW DELHI & 2 ORS. RESPONDENTS

CORAM: HON.SHRI JUSTICE S.K. DHAON, VICE CHAIRMAN
HON. MS. USHA SAVARA, MEMBER(A)

Appearance:

Mr. V M Bendre
Counsel
for the applicant

Mr. V S Masurkar
Counsel
for the respondents

ORAL JUDGMENT: DATED: 16.2.1993
(Per: S K Dhaon, Vice Chairman)

On 28.5.92 a general order of transfer on promotion of M.T. Drivers was passed. It pertained to 17 M.T. Drivers Gr.II. The applicant was one of them. The applicant was promoted from the post of M.T. Driver Gr.II to the post of M.T. Driver Gr.I. As M.T. Driver Gr.II he was in the M.T. pool at Pune. By the order dated 28.5.92 he was asked to go on the promoted post to INS Shivaji at Lonavala. This order was later on changed and the applicant was transferred to INS Tunji, an organisation within the jurisdiction of Bombay and also falls under the Western Naval Command, Bombay. The applicant feels aggrieved by the order dated 28.5.92

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whereby he was promoted and then transferred.

2. The applicant made a representation stating therein that he did not wish to have the promotion offered to him and he would like to stay on at Pune as his wife was a suspected case of cancer. This representation has not been accepted. The tenor of the reply given by the authority concerned appears to be that it does not feel satisfied with the reasons given by the applicant for getting the order of promotion/transfer cancelled.

3. In the reply filed it is stated that the applicant has been transferred on administrative grounds. Shri Masurkar, learned counsel for the respondents, has stated at the Bar that the applicant would be posted at INS Shivaji, Lonavala, if there still remains a vacancy there. We have no doubt that keeping in view the fact that the applicant's family is at Pune, the respondents will restore the original order dated 28.5.92 and permit the applicant to join at INS Shivaji, Lonavala.

With these observations this application is disposed of finally with no order as to costs.

16.2.93

(Usha Savara)
Member(A)

(S.K. Dhaon)
Vice Chairman

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