

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1033/92

OA 1033/92

Transfer Application No:

DATE OF DECISION 10.2.93

R V Bhor

Petitioner

Mr. Y R Singh

Advocate for the Petitioners

Versus

Union of India & Another

Respondent

Mr. P M Pradhan

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shriy D Deshmukh, Member (J)

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 ?



M(J)

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

OA NO. 1033/92

RV Bhor
Lineman
Dept. of Telecommunication
Igatpuri

Applicant

V/s

Union of India
through Telecom Dist. Manager
Nashik 2

The Asstt. Engineer (HRD)
Telecom Dist. Manager
Nashik 2

Respondents

Coram: Hon. Shri V D Deshmukh, Member(J)

Appearance:

Mr Y R Singh
Counsel
for the applicant
Mr. P M Pradhan
Counsel
for the respondents

ORAL JUDGMENT:

DATE: 10.2.93

(PER: V D DESHMUKH, MEMBER[J])

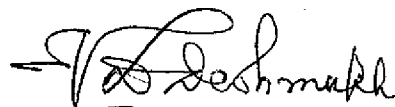
The applicant has filed this application challenging the order dated 3.9.92 under which order it was directed that the applicant may be relieved from the unit at Igatpuri with instructions to report back to his parent station of duty under SDOT, Satana.

2. The applicant challenged this order on the ground that although he was transferred to Igatpuri under the order dated 26.8.91 on his application, the said transfer was under Rule 38 of the rules regarding transfers and posting in P&T Vol.IV. The respondents dispute this

proposition. According to them his posting was not by way of transfer under the above said rule 38, but was in the nature of deputation and the respondents have a right to repatriate the applicant to his parent unit.

3. The applicant also challenged the impugned order on other grounds including the compassionate ground that the transfer was in the midst of academic term of his children.

4. I heard the learned counsel Shri Y R Singh for the applicant and Shri P M Pradhan for the respondents. At the end of the submissions Mr. Pradhan for the respondents made a statement that the respondents have no objection if the impugned order is deferred till 6.1.1993. The applicant was served with the impugned order on 4.9.92. However, he remained absent from duty from the said date till to-day. Mr. Pradhan also fairly made a statement that the applicant shall be granted leave to the extent to which the leave is to his credit as against the period of his absence. But if the available leave is exhausted the remaining period of absence shall be taken as period of ^{extra ordinary} leave without pay and without break in service. The applicant accepts the above. The applicant who is present in the court undertakes to join his duties at Igatpuri to-morrow i.e., 11.2.1993 and also to report on duty at Satana on 1.6.1993. The implementation of the impugned order dated 3.9.92 is deferred till 31.5.1993. The above statement made on behalf of the respondents and the undertaking given by the applicant are accepted. The application stands disposed of with no order as to costs.



(V D Deshmukh)
Member (J)