

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, CAMP AT NAGPUR.

(2)

O.A.1133/92.

1. Narad Janbaji Ghodeshwar,
Gangman, (P.W.I.) (M) HGT Unit No.6,
at Yennor, Tah. Hinganghat,
Dist. Wardha.
2. Ashok Bhikaji Belsare,
Gangman C.P.W.I. (M),
W.R. Unit No.12 at Kaotha,
Tah. Pulgaon, Dist. Wardha.
3. Dnyaneshwar Bapurao Wandhare,
Gangman, C.P.W.I. (M) Unit No 17
At Dahegaon Tah. & Dist. Wardha.
4. Dharamdas Ramdas Ramteke,
Gangaman, PWI (M), HGT, Unit No.2,
At Bhugaon Tah. & Dist. Wardha. .. Applicants.

Vs.

1. Union of India, through
General Manager,
Central Railway,
Bombay V.T.
2. The Divisional Railway Manager,
Central Railway, Nagpur.
3. The Divisional Engineer (North),
Central Railway, Nagpur.
4. The Assistant Engineer (M),
Central Railway, Wardha. .. Respondents.

Coram : Hon'ble Shri Justice M.S. Deshpande, Vice Chairman.
Hon'ble Shri M.Y. Priskar, Member (A).

Appearances:

1. Shri D.B. Walthare, Counsel
for the applicant.
2. Mrs. Indira Bodade, Counsel
for the Respondents.

ORAL JUDGMENT :

Dated : 15.3.1993.

Per:

{ Hon'ble Shri Justice M.S. Deshpande, Vice Chairman. }

Heard Counsels. Learned Counsel for the
applicant relies on a short note of All India Services
Law Journal 1990(3) (CAT) Page 111 and the case of

[Signature]

(3)

O.A.1133/92.

Rajan Baruah Vs. State of Assam, 1991 LAB IC 979.

The applicant prays that the salary and allowances for the intervening period be granted on the ground that the transfer was bad after quashing the transfer order.

2. In the facts of this case it cannot be said that the transfer was bad, because there was no Rule which prevented the transfer of the applicant, as a Railway Employee, to a place in Madhya Pradesh. The Tribunal's order in the earlier O.A.No.465/91 decided on 11.7.1991 was on the statement by respondents that they are willing to transfer the applicant to a place in the State of Maharashtra by cancelling the transfer order to Madhya Pradesh, and not on merits. The absence was not treated as leave admissible to him.

3. We find that no order can be made directing that the salary to be paid to the applicant for the period of his absence. The application is dismissed summarily. No order as to the costs.

(M.Y. PRIOLKAR)
MEMBER (A).

(M.S. DESHPANDE)
VICE CHAIRMAN.

H.