

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 55/92

198

~~Tax No.~~

DATE OF DECISION 27-4-92

L S Chavan

Petitioner

Mr. K R Jadhav

Advocate for the Petitioner(s)

Versus

Union of India
DRM Central Rly. & ors.

Respondent

Mr. J G Sawant

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M Y PRIOLKAR, MEMBER (A)

The Hon'ble Mr. xxxxxx

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

MGIPRRND-12 CAT/86-3-12-86-15,000

M(A)

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PRESCOT ROAD, BOMBAY-400001

OA No. 55/92

Shri Laxman Shamrao Chavan
Senior Train Ticket Examiner
Sajjan Cooperative Housing
Society; Behind Blind School;
Kargaon Road; Tal. Chalisgaon
Dist. Jalgaon

..Applicant

V/s.

1. The Divisional Railway Manager
(Commercial-Ticket Checking)
Central Railway; Bhusawal
2. General Manager
Central Railway
Bombay VT
3. The Secretary
Union of India
Ministry of Transport
Dept. of Railways
New Delhi

.. Respondents

CORAM: Hon. M Y Priolkar, Member (A)

APPEARANCE

MR. K R Jadhav
Advocate
for the applicant

Mr. J G Sawant
Counsel
for the respondents

ORAL JUDGMENT
(PER: M Y PRIOLKAR, MEMBER (A))

DATED: 27-4-92

The relief prayed for in this application
by the applicant was that the respondents may be directed to postpone his transfer to Jabalpur which was

ordered on 6.12.91 for the next 5 - 6 months and also for a direction to transfer the applicant to the adjoining division to Bhusawal and for promotions for which he ^{has become} ~~is not~~ entitled. The applicant had earlier filed OA 111/88 challenging the transfer order dated 30.12.1987 which was disposed of by this Tribunal's order dated 19.4.1991 in which it was held that there was no merit in that application calling for interference by this Tribunal, But taking into consideration ^{the relevant facts,} it was directed that he may be transferred to any adjoining division either in the same zone or the adjoining zone and only if it is not possible to transfer ^{him} in the adjoining zone in the same or other zone the impugned order of transfer might stand.

In his earlier OA he had also prayed for direction for promoting the applicant ~~also~~ as in the present application, but that prayer had not been considered in our judgment dated 19.4.1991.


After hearing the learned counsel for both sides the application is admitted and I propose to dispose it of on merits.

Learned counsel for the respondents have stated that Jabalpur Division is an adjoining division for Bhusawal and that the applicant ^{has} also carried out the transfer and joined there on 31.1.92. The grievance of the applicant is ^{thus} ~~that he has~~ largely met with the orders but the learned counsel for the applicant stated that although the applicant had carried out the transfer, ^{his} ~~the~~ children are studying at Bhusawal in Marathi medium schools and therefore he would still pray that he may be transferred to some Marathi speaking area where his children could continue their studies ~~in~~ Marathi medium.

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As there is no specific direction in our judgment dated 19.4.1991 that the applicant should be considered for transfer only to Marathi speaking areas I do not think this is a fit case for interference by the Tribunal. The applicant may, if he however ^{so} wishes, submit a representation to the respondents for his transfer to any Marathi speaking area and the respondents should in case such a representation is received, consider it within a reasonable time and if possible accede to his request for transfer to an appropriate place where his children's education is not disturbed.

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


(M Y Priolkar)
Member (A)