

C.P.No. 192/92

in

OA.NO. 892/92

Tribunal's Order

Dated: 4.12.1992

This is an application praying that the respondents may be punished for having passed an order in disregard to the directions given by this Tribunal on 28.9.1992.

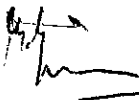
2. The petitioner came to this Tribunal with the prayer that the order passed on 11.8.1992 by the Senior Assistant Engineer (Admn.) transferring him from Dombivli to Wada may be quashed. On 28.9.1992 this Tribunal in paragraph 3 of its order gave a specific direction that the officer concerned shall dispose of the representation of the applicant. This Tribunal also directed that if the representation was being rejected, the order of rejection shall disclose as to why the norms laid down in the transfer policy may not be followed in the case of the applicant.

3. In pursuance of the directions given by this Tribunal, on 27.10.1992 the General Manager passed an order. We ^{have} perused this order carefully and we are satisfied that no attempt has been made in the order to deal with the direction contained in paragraph 3 of the transfer policy. The applicant's grievance appears to be ^{that} he is being transferred in the mid-session and, therefore, the studies of his children are likely to be put in jeopardy. We are, therefore, satisfied that no attempt has been made to comply with the directions given by us in our order dated 28.9.1992.

4. Normally, the officer concerned should be given some punishment. However, we are letting him off with a warning. Nonetheless, we direct that he shall pass a fresh order treating the order passed by him on 27.10.1992 as cancelled. He shall

do so strictly in the light of direction given by this Tribunal earlier. We make it clear that the order of transfer shall not be implemented as against the applicant so long as a fresh order is not passed.

5. With these directions this C.P. is disposed of.


(M.Y. PRIOLKAR)
MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN

mrj.