

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 582/92

Transfer Application No: ---

DATE OF DECISION 26-3-1993

Keru Tukaram Wagh Petitioner

Mrs. Poonam Mahajan with Mr. A.V. Anturkar Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr. R. K. Shetty

Advocate for the Respondent(s)

COURT:

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

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 ?

U. Savara 26.5.93
(USHA SAVARA)
M(A)

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(11)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.582/92

Keru Tukaram Wagh,
M.E.S.Staff Quarters,
P/19/1, Sholapur Road,
Ahmednagar - 414 001.

.. Applicant

-versus-

1. A.O.II(for Commander
Works Engineer),
Ahmednagar 414 001
2. Chief Engineer,
Southern Command,
Pune.
3. Col.(Pers)for Chief
Chief Engineer,
Head Quarters,
Southern Command,
Engineers Branch,
Pune - 411 001.
4. Union of India,
through
Secretary
Ministry of Defence,
South Block,
New Delhi.
5. Shri J.R.Surwade,
Chief Engineer,
Pune Zone,
Pune
6. Shri N.D.Chambhar,
MES 150034
Chief Engineer,
Southern Command,
Pune - 1.
7. Shri S.D.Sonawane,
MES 158533
Chief Engineer,
Southern Command,
Pune.
8. Shri B.B.Kurane,
MES 160243
Chief Engineer,
Pune Zone,
Pune. .. Respondents

Coram: Hon'ble Ms.Usha Savara,
Member(A)

Appearances:

1. Mrs.Poonam Mahajan with Mr.A.V.Anturkar
Advocate for the
Applicant.
2. Mr.R.K.Shetty
Counsel for the
Respondents.

ORAL JUDGMENT: Date: 26-3-1993
(Per Usha Savara, Member(A))

This application has been filed praying that the applicant's transfer from Ahmednagar to Goa be cancelled and he be allowed to function in the same post of Office Superintendent, Grade II(TY) as before in the same office of the C.C.E Ahmednagar.

2. Mrs. Mahajan has brought to my notice a letter dt. 26-8-92 by which the respondents have modified the earlier transfer policy to a limited extent. The recent amendment concerns persons who have reached 55 years of age as on the date of their transfer. By this letter the respondents have specifically dealt with persons who were transferred by the order dt. 26-2-1992 i.e. the order in which the applicant's name is also included. The respondents have identified two persons who had reached 55 years of age as on the date of move mentioned in the letter dt. 26-2-1992 i.e. 30th May, 1992. The posting of these two persons has been cancelled as one time measure. It is the case of the applicant that he has attained 55 years of age on 1-6-1992 i.e. one day after the specified date in the letter dated 26-8-1992. It is prayed that in view of this fact the respondents may be directed to reconsider their decision to transfer him from Ahmednagar to Goa in view of the latest guidelines to the transfer policy. Mrs. Mahajan submits that the applicant will be satisfied if his representation, which he will make within one week from today, to the Chief Engineer, Southern Command, Pune, is disposed of keeping in mind the fact that he attained the age of 55 years on 1-6-1992.

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3. In the circumstances I direct that the respondent No.2 i.e. Chief Engineer, Southern Command, will dispose of the representation to be made by the applicant within one week keeping in mind the aforesaid changed guidelines. The fact that the applicant attained 55 years of age on 1-6-1992 should be taken into consideration while disposing his representation. The representation will be disposed of on merit and by ^a speaking order within two weeks of receipt of the same.

4. The interim order passed on 19-1-1993 will continue till the disposal of the representation. Needless to say if any grievance survives the applicant will be at liberty to move the Tribunal.

5. The O.A. is disposed of in the above terms with no order as to costs. In view of the above order the Registry is directed to give a copy of this order to the applicant as well as respondents today itself.

M

U. Savara
26.3.93
(USHA SAVARA)
M(A)