

(B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 225/ 199
T.A. NO: 592/92

DATE OF DECISION 7.7.1992

Santram s/o Devipbasad Petitioner

Mr. E.K. Masand Advocate for the Petitioners

Versus

Union of India and ors. Respondent

MR. P. M. PRADHAN. Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. JUSTICE S.K.DHAON, Vice-Chairman

The Hon'ble ~~MR.~~ USHA SAVARA, MEMBER(A)

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 ?
- } NO

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Sy
(S.K. DHAON)
Vice-chairman

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO: 592/92

Santram S/o Deviprasad
working as Protector of
Emigrants II, Building
E, Khira Nagar, Santacruz,
Bombay-400054 and residing
at Room No.1, House No.4,
Kolibari village,
Kalina, Bombay.

....Applicant

V/s

1. Union of India
through the Secretary
in the Min. of Labour, Shram
Shakti Bhavan, Rafi Marg
New Delhi-110001

2. Under Secretary in the
Ministry of Labour, Shram
Shakti Bhavan, New Delhi.
110001.

....Respondents.

CORAM : HON'BLE MR. JUSTICE S.K.DHAON, Vice-Chairman
HON'BLE MEMBER USHA SAVARA, MEMBER(A)

Appearance:

Mr.G.K.Masand, Adv.
for the applicant.

Mr.P.M.Pradhan, Adv.
for the Respondents.

ORAL JUDGEMENT

7TH JULY 1992

(PER : S.K.DHAON, Vice-Chairman)

By an order dated 29th May 1992, the applicant,
who was on the said date working as Protector of
Emigrants II in the office of Protector of Emigrants
Bombay had been transferred and posted to D.G.F.A.S.L.F
Bombay as Section Officer. This order of transfer
is being challenged in the present applicant.

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2. On 27th May 1991, by an office order, certain employees, including the applicant, were transferred from main Section at Delhi to the P.O.E., Bombay. Reliance is placed by the counsel for the applicant upon a circular which preceded the said office order. This circular dated 13th March 1991 provides that the certain existing/likely vacancies on transfer basis for a period of three years in the various cadres of Ministry of Labour are likely to be filled up. The arguments are that, firstly, the applicant acquired a right to stay at the POE Bombay for a period of 3 years. Secondly, in any view of the matter, the applicant had a fair chance of being transferred back to Delhi after the expiry of a period of three years. Thirdly, now there is no possibility of the applicant being transferred back to Delhi. It is to be noted that the applicant is not being sent out of Bombay under impugned order of transfer.

3. A counter affidavit has been filed. In it, it is stated that a first information report had been lodged by the Dy.S.P. Police concerned and in that report certain allegations of corruption had been levelled against the applicant. It is stated that investigation is going on, and the same will be suffer if, at this stage, the applicant is allowed to go out of Bombay.

4. On the whole, we are satisfied that the impugned order of transfer has been passed in the normal course. The apprehension of the applicant that he may not be transferred outside Bombay, after he has put in 3 years is not quite correct. We have no doubt, that, if a final report is submitted and the applicant is exonerated,

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the authority concerned will consider his case for transfer from Bombay, on merits and according to the law.

5. We are not inclined to interfere with the order of transfer. With these observations this application is disposed of.

U. Savare
7.7.42
(USHA SAVARE)
MEMBER(A)

S.K. Dhaon
(S.K. DHAON)
Vice-Chairman

srl