

(05)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 649/92

199

~~T.A. NO: -----~~

DATE OF DECISION 28-8-1992

Sona Budhaji Khandizod

Petitioner

Mr.D.V.Gangal

Advocate for the Petitioners

Versus

Union of India and ors.

Respondent

Mr.J.G.Sawant

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman

The Hon'ble Mr. M.Y.Priolkar, 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 ?

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by
(S.K.DHAON)
VC

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.649/92

Sona Budhaji Khandizod,
Railway Quarter, D/4,
6th Block,
Igatpuri,
Dist.Nashik.

.. Applicant.

-versus-

1. Union of India
through
The General Manager,
Central Railway,
Bombay V.T.,
Bombay.
 2. The Divisional Railway
Manager,
Central Railway,
Bhusawal.
 3. The Superintendent of
Police,
Dist-Thane,
Near District Prison,
Thane - 400 601.
 4. Shri Shailendra Sona Khandizod,
At and Post: Igatpuri,
Tinlakdi,
Igatpuri.
- .. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar,
Member(A)

Appearances:

1. Mr.D.V.Gangal
Advocate for the
Applicant.
2. Mr.J.G.Sawant
Counsel for the
Respondents.

ORAL JUDGMENT:
(Per S.K.Dhaon, Vice-Chairman)

Date:28-8-1992

The order dtd. 3rd June,1992 passed
by the DRM(P) Bhusawal transferring the applicant
from Igatpuri to Bhopal is being impugned in the
present application. A reply has been filed
on behalf of the respondents. Counsel for the
parties have been heard at length.

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2. The material facts are these:

On 18th July, 1990 between Igatpuri and Kalyan a dacoity has been committed on the Mahanagari Express. The sons of the applicant, one Alim Siddique, another railway employee and outsiders were apprehended. The applicant and Shri Alim Siddique were posted at Igatpuri. Investigation is still going on. Alim Siddique has been transferred from Igatpuri to Nashik Road, a distance of about 30 kms. The applicant has been transferred to Bhopal which is a separate division at a distance of about 800kms. The Sr. Supdt. of Police concerned sent a communication to the authorities concerned that it is desirable that the applicant, Alim Siddique and the other railway employee may be transferred to some place outside the Bhusaval division. The third railway employee retired from service.

3. It is contended on behalf of the applicant that Alim Siddique having been transferred from Igatpuri to Nashik Road, at distance of about 30kms. only, there was no justification for transferring the applicant to Bhopal. In the reply filed on behalf of the respondents no attempt has been made to indicate the special reasons which impelled the authorities to sent the applicant to Bhopal. On the face of it, the applicant and Alim Siddique stood more or less on the same footing. Therefore it can be easily inferred that the officer concerned while transferring the applicant ~~xxxx~~ to Bhopal

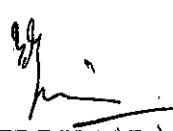
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
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acted somewhat irrationally if not arbitrarily.

4. We maintain the order of transfer of the applicant. We, however, direct that he shall be placed at par with Alim Siddique and transferred to some place not exceeding a distance of 50kms. from Igatpuri. Till a fresh order is passed in the light of the direction given by us today, the impugned order of transfer shall not be implemented ✓ as against the applicant if it ~~is~~ has not been implemented so far.

5. With this direction the application is disposed of finally with no order as to costs.


(M.Y. PRIOLKAR)
Member(A)


(S.K. DHAON)
Vice-Chairman

MD