

(05)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 698/92

Transfer Application No: -----

DATE OF DECISION 1-1-1993

Prakash Shridhar Deore Petitioner

Mr. G.R. Menghani

Advocate for the Petitioners

Versus

Union of India

Respondent

Mr. J.G. Sawant.

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble ~~xxxxxx~~ Ms.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

MD

S.K.
(S.K.DHAON)
VC

NS/

(97)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.698/92

Prakash Shridhar Deore,
Rly.Qtr.No.K-833,
Near Telegraph Office,
Bhusaval Post, Jalgaon,
Dist.Maharashtra. Applicant

-versus-

Union of India
through
General Manager,
Central Railway,
Bombay V.T. Respondent

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

Hon'ble Mrs.Usha Savara, Member(A)

Appearances:

1. Mr.G.R.Menghani
Advocate for the
Applicant.
2. Mr.J.G.Sawant
Advocate for the
Respondent.

ORAL JUDGMENT: Date:1-1-1993
(Per S.K.Dhaon, Vice-Chairman)

By a common order dt. 21-4-1992
the SDEN(Co),Bhusaval transferred four persons,
including the applicant. The applicant had been
transferred to Khandwa. He challenges his transfer
by means of this application.

2. A reply has been filed on behalf of
the respondent. Shri Sawant, learned counsel for
the respondents, stated in the Bar that the applicant
will be posted as a Gangman at Khandwa.
3. The only ground urged in support of
this application is that the order of transfer
was passed by the officer concerned without
applying his own mind and at the behest of some
union. In the reply filed it is asserted that

the applicant was retained at Bhusaval for temporary period even though he was originally earmarked for Khandwa. There was some agitation against the posting of the applicant at Bhusaval. The officer concerned had held a conference with the members of the union and thereafter he took a decision.

4. Having considered the matter, we feel that it cannot be said that the order of transfer as against the applicant was passed without any application of mind. We are also informed that the said order has been given effect to insofar as the applicant has already joined as Gangman at Khandwa. This is an additional reason for not exercising our discretionary power.

5. This application fails and it is rejected without any order as to costs.

[Signature]
(OSHA SAVARA)
Member (A)

[Signature]
(S.K.DHAON)
Vice-Chairman

MD