

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

REVIEW PETITION NO. 138/93
IN
ORIGINAL APPLICATION O:600/93

N.T.Devasia .. Applicant
-versus-
Union of India & Ors. .. Respondents

Coram: Hon'ble Shri M.R.Kolhatkar
Member(A)

Appearances:

1. Mr.S.P.Kulkarni
Counsel for the
Petitioner.
2. Mr.S.S.Karkera
Counsel for the
Respondents.

TRIBUNAL'S ORDER:

Date:10-6-94

In O.A.600/93 decided on
7-9-93 the relief claimed by the applicant
for quashing and setting aside the order
of transfer dated 30-4-93 was declined.
In the review application the main ground
taken for review of this order is recommen-
dation of IVth Pay Commission contained in
para 26.28 which is reproduced below:

"26.28. A suggestion has been
~~made~~ received that central
government employees having
all India transfer liabilities
should not be transferred away
from their home towns during the
last 3 years of their service
to enable them to settle their
affairs satisfactorily before
retirement. Such a policy has
already been followed by some
state governments. Government
may consider the advisability
of transferring a central
government employee with all
India transfer liability

to his home state during the last three years of his service."

The applicant has also relied on the division bench judgment of the Central Administrative Tribunal, Calcutta Bench, Shanti Kumar Ghosh v. Union of India, ATR 1987(2)CAT 564, in which the application was allowed on the ground that "in the circumstances of this case, the recommendation of the 4th Pay Commission is definitely of significance". The Calcutta case, therefore, proceeded on the facts of the case and holds that recommendation of 4th Pay Commission are of significance in that particular case as a ground for allowing that application. In O.A. 600/93, however, the recommendations of 4th Pay Commission were considered in para 6 of the order and the matter has been disposed of with an observation that recommendations are not mandatory and that an employee can ^{not} claim _{an} exemption from transfer merely on that ground.

2. Other grounds made out for intervention of this Tribunal are that the wife of the applicant is unwell and there are medical certificates to that effect and that one Philipose Geevarghese had applied to the respondents on 27-9-93 requesting transfer to Redi. These latter two matters cannot be taken ^{by way of} _{consideration} review.

CAT/BQM/JUDL/O.A. No. 600/93

Dt.

COPY TO :-

1. Shri N.T.Devesia, Shri S.P.Kulkarni, Advocate.
2. Ministry of Labour through Shri S.S.Karkera, Adv.

SECTION OFFICER.

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No.

Shri/Smt.

V/S

CORAM :

Tribunal's Order:

Prescot Road,
Gulestan Bldg,
Fort, Bombay-1.

Dt.

.. Applicant.

.. Respondents.

Dt.

3. We are hence not inclined to entertain the review petition especially as we do not find any error apparent on the face of the record nor do we not find that the other pre-requisites for review are satisfied in this case. The application for review is rejected. We, however, make it clear that it is open to the applicant to make an application to the respondents pointing out his difficulties including the illness of his wife and the willingness of a colleague to serve at Redi and it is open for the respondents to consider his case on merits.

4. No order as to costs.

M.R. Kolhatkar

(M.R. KOLHATKAR)
Member(A)

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