

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 182/93

Transfer Application No:

DATE OF DECISION 1-3-93

Shri A.L.Dave, Pune ----- Petitioner

Shri V.G.Rege ----- Advocate for the Petitioners

Versus

Union of India Through Garrison Respondent
Enginner(I) Field Investigation C.M.E.
Dapodi, Pune & 4 ors.

Shri R.K.Shetty ----- Advocate for the Respondent(s)

CORAM:

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 ?

nb

U. Savara
(Ms. Usha Savara)
Member(A)

1.3.93

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(3)

O.A. 182/93

Shri A.J.Dave, Pune

...

Applicant

vs

Union of India
Through Garrison Engineer(I),
Field Investigation, C.M.E.
Dapodi, Pune & 4 Ors.

...

Respondents.

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

Appearance:

Shri V.G.Rege for the
applicant.

Shri R.K.Shetty for the
respondents.

Dated: 1-3-93

Oral Judgement

(Per: Ms. Usha Savara, Member(A))

The only prayer by the applicant in this case is that the impugned order of ~~transfer~~ from the office of Garrison Engineer Div.(I) Kirkee to the office of Garrison Engineer (AF) Lohegaon at Pune be quashed.

The applicant is working as civilian employee holding the post of Asstt.Engineer under G.E.(I) Field Investigation CME Dapodi. He was transferred from Vishakhapatnam about 1½ years back to work in CME Dapodi. It is alleged that the present transfer from Dapodi to Lohegaon is malafide as he had pointed out certain irregularities to his superiors. Shri Shetty appearing on behalf of the respondent submitted that there was no transfer but the respondent had moved the applicant from one working area in Pune to another working area in Pune. It is submitted by Shri Rege that the applicant is on medical leave at present and has submitted a medical certificate. In accordance with rules the applicant has submitted a representation on 1-2-93 to the Engineer-in-Chief Army Headquarters, New Delhi, but the same has not been

disposed of till today. Mr. Rege submits that the applicant will be satisfied if a direction is given to the respondents to dispose of his representation within a period of two weeks from today on merits. It is also submitted by him that his leave application is on medical grounds. He may be allowed to continue to be on leave till the representation is finally disposed of. Learned counsel for the respondent has no objection to this suggestion of the applicant.

In the circumstances, the respondents are directed to dispose of the representation dated 1-2-93 on merits and by passing a speaking order. In the meantime, the applicant will not be compelled to join duty at Lohegaon. However, immediately after the disposal of the representation and on the receipt of the order by the applicant, this order restraining the respondents from compelling him to join at Lohegaon will not be operative any more. The application is disposed of at the admission stage itself with the above observations. No order as to costs.

K.

U. Savara
(Ms. Usha Savara) 1.3.93
Member(A)