

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 392/94

Shri Tarachand Ramaji Gajbhiye

... Applicant.

V/s.

The Development Commissioner
(Handicraft) Ministry of
Textiles, West Block No.7
R.K.Puram, New Delhi.

The Director (Regional)
(Handicraft) Western Region,
294, Haroon House,
3rd floor, Nariman Street,
Bombay.

... Respondents.

CORAM: Hon'ble Shri N.K.Verma, Member (A)

Appearance:

Applicant in person.

Shri J.G. Sawant, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 15.4.94

(Per Shri N.K.Verma, Member (A))

The applicant requests for maintenance of status quo in terms of the order dated 23.3.94, in which it was directed that he will be allowed to continue in the post he was holding , in case he was not relieved in the afternoon of 23.3.94. The applicant made a submission that he was in the court for the whole day of 23.3.94 and went back to the office ~~in~~ the evening. He handed over the stay order on 24.3.94. He was absent without any authority on 23.3.94, although as per the impugned order he had to be relieved of his duty in the afternoon of 23.3.94. By his own action of absenting without permission on 23.3.94, he had got himself relieved of his duties and hence the Tribunal's order dated 2.3.94 has ~~totally~~ become infructuous. Therefore his prayer for grant of status quo is not sustainable and is rejected. Shri Sawant , counsel for the respondents also confirmed that ~~the~~ applicant had not applied for any leave on 23.3.94 and was absent from

N.K.Verma

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duty and therefore deemed to have been struck off from the strength and he has to join to his new assignment at Mangalore.

After hearing the arguments on both the sides it is understood that the applicant has not exhausted all the departmental remedies available to him. He is directed to apply to the Department for re-consideration of his transfer order in view of the fact that he has been transferred away from Bombay within six months of his joining. Obviously such frequent transfer of Government officer is not contemplated which is ^{to his interest & the public} detrimental. It is seen from R1 submitted by the respondents that the applicant was brought from Lucknow only after one year and 8 months, presumably on his own request for transfer to Nagpur. His choice of transfer to Nagpur was not given and he was transferred to Bombay. This application ~~can be~~ ^{is} disposed of with a direction that the applicant ~~will~~ ^{can} give his representation immediately and the department ~~will~~ ^{can} consider his representation expeditiously ~~and~~ ^{say} within two months from the receipt of this order.

N. K. Verma
(N.K. Verma)
Member (A)

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