

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY.

Original Application No. 848/94.

Kantilal D. Pamsi.

.... Applicant.

V/s.

The Administrator,
Union Territory of Daman
& Diu & Ors.

.... Respondents.

Coram: Hon'ble Shri Justice M.S. Deshpande, Vice-Chairman.

Appearances:-

Applicant by Shri I.J. Naik.
Respondents by Shri R.R. Shetty
For Shri R.K. Shetty.

Oral Judgment :-

[Per Shri M.S. Deshpande, Vice-Chairman] Dt. 17.8.1994.

The applicant in this case was transferred from Daman to Diu and the interim order which was granted on 19.7.1994 was vacated on 12.8.1994. The submission of Shri Naik for the applicant is that the guidelines dt. 11.5.1993 (Annexure A-3) required that the transfer of Government servants between Daman & Diu may be ordered generally at the time of promotion/initial appointment and also that transfer orders of Government servants shall ordinarily be issued in April/May every year and there has been a breach of the guidelines. Further the Officer transferred from Daman should move first, but in the present case the transfer order states that the Officer from Diu should move first. It is difficult to accept the contention that the respondents could not have transferred the applicant in view of the guidelines. Even Shri Naik concedes that the Government has the power to transfer the applicant, but according to him

the Government should be held to the same standard which they prescribe and that the guidelines should have been followed. The applicant's grievance is that he has members of the family who are studying and it will be a hardship on him if the applicant is shifted in the middle of the academic season. The transfer order was issued on 14.7.1994, obviously since the Government had the power to transfer the applicant and the contention of Shri Shetty is that the Government Guidelines also required SC and ST candidates to be posted to their home town and the person who is going to be transferred in place of the applicant belongs to that category, the Respondents have observed the guidelines in its spirit.

2. In the circumstances, since the Respondents have the power to transfer the applicant I do not think that the Tribunal should interfere with the order of transfer. The Original Application is accordingly dismissed.

3. The applicant is granted four weeks time to join at his new posting.


(M. S. DESHPANDE)
VICE-CHAIRMAN

B.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY.

Review Petition No.107/94
in
Original Application No.848/94.

Kantilal D.Pamsi. Applicant.

V/s.

The Administrator,
Union Territory of Daman,
Diu & Ors. Respondents.

ORDER ON REVIEW PETITION BY CIRCULATION

{Per Shri M.S.Deshpande, Vice-Chairman} Dt. 30-9-94

The issue involved in OA No.107/94 was about the transfer of the applicant. What is being urged by the Review Application is that when the Transfer of Damania was to be considered at the time of general transfer and it was not then considered, but came to be considered later, the authorities had become functus-officio. It is difficult to accept this proposition either on its merits or as constituting a good ground for review. The Review Application is therefore dismissed.


(M.S.DESHPANDE)
VICE-CHAIRMAN

B.