

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, BOMBAY.

Original Application No.462/95.

B.B.Virule. ... Applicant.

V/s.

Union of India & Anr. ... Respondents.

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

Appearances:-

Applicant by Shri V.B.Rairkar.
Respondents by Shri V.S.Masurkaf.

Oral Judgment:-

{ Per Shri M.S.Deshpande, Vice-Chairman } Dt. 15.6.1995.

The applicant has been transferred from Pune to Dehu Road by the order dt. 6.4.1995 and the grievance of the applicant is that the posting from Pune to Dehu Road involves a transfer which could not be effected because he was an ~~office~~ office bearer of the Union and under the orders passed by the Ministry of Labour on 30.4.1975 the office bearer of an Union could not be transferred. It is also urged that the transfer was mala fide because it was intended to ^{be} punitive after a show cause notice was issued on 9.2.1995.

2. The Respondents contention is that the applicant's ^{movement} ~~employment~~ cannot be regarded as a transfer because he has been posted in different part of the same unit ^{and they} ~~which~~ are not more than 10 kms. apart. With regard to the instructions issued by the Ministry of Labour it is urged that these instructions would not apply to the applicant and in any event they are merely in the nature of guidelines and cannot take place of rules which ~~can~~ ^{shall} have mandatory effect. With regard to the

show cause notice it is urged that the show cause notice was given only for obtaining the explanation of the applicant for his absence and no disciplinary proceedings are contemplated. I am satisfied that the applicant cannot take shelter behind the instructions issued by the Ministry of Labour which are only in the nature of guidelines and the posting to Dehu Road cannot be regarded as punitive because no departmental action is contemplated. With regard to the applicant being an office bearer of the Union there is no reliable material considering that this position has not been admitted by the respondents. The applicant has already joined at the new posting. I see no merit in the application. It is dismissed. No order as to costs.

(M.S.DESHPANDE)
VICE-CHAIRMAN

B.