

O.A.Nos.689/95, 690/95, 691/95 & 692/95.

Dated : 27/7/95.

Shri Ramamurthy, Counsel for Applicant.

None for Respondents.

Though issued Dasti notice to Respondent-2 and by Speed Post to Respondent-1., neither department's representative nor any counsel has been engaged to appear in the Court today.

During the course of hearing the Learned Counsel for Applicant draws my attention to letter issued by respondents dated 13/7/95 stating that as per the transfer order issued by respondents, the applicants are required to be relieved from their present stations of posting latest by 15/7/95. Since Officials affected have represented against their transfer and their representations are still under consideration and respondents have made amendment subsequently stating that "it has been decided that the deadline of 15/7/95 be extended by one month period." Accordingly they are to be relieved by 14/8/95. However, Officials who wish to be relieved should be relieved forthwith. A decision on the representation made by each employee will be communicated shortly."

Therefore in the light of the above, the Learned Counsel for the Applicant submitted that the reply to the representation has not yet been given and they have extended the relieving date suo moto. In view of the said extension even, the applicant would not be benefitted.

In the circumstances, the Tribunal is of the view that though opportunity was given to respondents to appear today, they have failed to make their appearance and they have just responded by extending the period of relieving order passed in pursuance of the earlier order which only indicate that the exigency of service is not the criteria for their transfer outside Bombay.

Accordingly, in the facts and circumstances of the case, the OA is admitted and the Interim Order passed earlier^{is} made absolute. The Respondents are directed to file reply within 6 weeks and the copy of the same be given to applicants well in advance.

The matter be listed for final hearing on 7/9/95.
Copy of the order be given to parties.

abp.


(B.S. HEGDE)
MEMBER (J)

✓ 11/8

7/9/95-12

Shri Ramamurthy, Counsel for Applicant.
Shri V. S. Masurkar, Counsel for Respondents

Shri Ramamurthy submits that ~~when~~
order dt. 11/8/95, order No.
V. IV/584/9/95 of transfer which
~~was~~ ^{was} impugned in the case
of 4 applicants in OA-689/95,
690/95, 691/95 and 692/95 have
since been held in abeyance until
the expiry of the current
academic year.

Shri Ramamurthy therefore seeks
leave to withdraw the OA.
Leave granted. OA disposed as
withdrawn. Order ^{dt. 11.8.95} taken on
record.

We clarify that in case the
orders which are held in
abeyance ~~are~~ ^{are} ~~treated as~~ ^{revived or issued in}
~~modified form~~ ^{revived}, the applicant will
be at liberty to file a
fresh OA.

Order/Judgement/despached
to Applicant/Respondent(s)
on 20/09/95

20/09/95

aly.

M.R. Kelhatkar
(M. R. Kelhatkar)
M(A)