

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 573/98

Date of Decision: 27.7.98

Shri Kiran Jayaram Ingle _____ Applicant.

Applicant in person Advocate for
Applicant.

Versus

Shri N.V. Patil and others. Respondent(s)

Shri V.S. Masurkar. Advocate for Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri. D.S. Bawejia, Member (A)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to other Benches of the Tribunal?

R. Grandine

(R.G. Vaidyanatha)
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, BOMBAY:1

Original Application No. 573/98

Monday the 27th day of July 1998.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S. Baweja, Member(A)

Kiran Jayaram Ingle
Senior Section Supervisor
(Commercial) Supervisory
O/O G.M.T. Jalgaon -

... Applicant.

Applicant in person.

V/s.

Shri N.V. Patil
A.G.M.(Admn)
O/O G.M.T. Jalgaon.

General Manager,
Telecom, Jalgaon.

Chief General Manager Telecom
Maharashtra Telecom Circle,
Mumbai.

Secretary Telecom Board
New Delhi.

... Respondents.

By Advocate Shri V.S.Masurkar.

O R D E R (ORAL)

¶ Per Shri Justice R.G.Vaidyanatha, Vice Chairman ¶

In this O.A. the applicant is challenging the impugned order of transfer dated 30.6.98. We have issued notice regarding admission and interim relief, to the respondents. Today Shri V.S.Masurkar accepts notice on behalf of the respondents. We have heard applicant in person and the counsel for the respondents.

2. The applicant under the impugned order dated 30.6.98 has been transferred from the Commercial Section to the Accounts Section in the same ^{office}. We were told that both the Commercial and Accounts Sections are in the same building.

....2... *flr*

The main grievance of the applicant is that as Supervisor in the Commercial Section he is entitled to Rs.300/- as higher pay. The applicant has already preferred an application. The respondents have not passed any order. Now if he is transferred to the Accounts Section he may not get Rs. 300/- per month which he is entitled to.

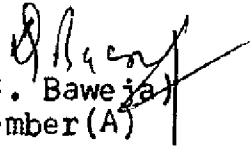
3. In our view this argument is not tenable for the simple reason that both the posts are of same grade and the respondents have clarified in their letter dated 2.7.98 at page 38 of the O.A. that there is no monetary loss. The applicant's contention is that he has already preferred an application for claiming Rs. 300/- per month right from 1989 and if he is transferred to Accounts Section he may not get that amount. In our view now the applicant is not getting this amount of Rs. 300/-. If and when the applicant gets this amount of Rs.300/- in the previous post then we give protection with regard to his pay namely Salary and allowances should not be reduced in the present post. Therefore if the applicant succeeds in getting Rs.300/- per month from 1989 then he will be eligible to get the same in the present post also. The learned counsel for the respondents submits that the applicant is not getting any such amount of Rs.300/- per month. Hence no loss is caused to the applicant in the present post.

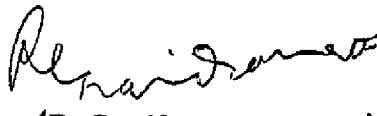
4. Another grievance is that the applicant has not been engaged in supervisory capacity but he is posted in the Accounts Section for clearing the outstanding. In our view who is to posted where and in which post is not a matter to be decided by the

Court. In the letter dated 2.7.98 which is at page 38 of the O.A. the respondents clearly states that the applicant is specifically chosen in the Accounts Section for clearing outstanding Accounts in view of his seniority and experience. The grievance of the applicant that his seniority has been ignored has no merit since the applicant has been selected in view of his seniority and experience in the accounts branch.

5. Another submission made by the applicant is that of caste. The applicant states that only SC/ST officials have been ~~touched~~. This contention has also no merit as the matter of transfer from one section to another section has to be decided by the administration. Hence we do not find any merit in the O.A.

6. In the result the O.A. is disposed of at the admission stage with a clarification that if and when the applicant succeeds in getting the amount of Rs.300/- as higher pay then the applicant's pay shall be protected in the present post: *NO CWT*


(D.S. Baweja)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

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