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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A. No. 555/93

Dt. of order: 24.3.94

Suresh Chand Sharma

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr. J.K. Kaushik

: Counsel for applicant

Mr. M. Rafiq

: Counsel for respondents

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice Chairman.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

The applicant was transferred vide Annex.A-3 dated 16.4.93 from Lamana to Ajmer. In this order, it has been mentioned that he shall not be paid any transfer benefits as he is being transferred on his own request. However, the same order was recalled on the ground that the Union agitated the matter on the ground that about 20 persons have opted for transfer to Ajmer and their rights have been deprived of by transferring the applicant out of turn. To do justice to all the Annexure A-1 dated 1.6.93 was passed and the applicant was again transferred from Ajmer to Lamana. There was no fault on the part of the applicant. The respondents issued the transfer order Annex.A-3 and it was their duty to see whether it is a fit case for transfer or not and whether other persons are likely to be adversely affected or not. Admittedly, the respondents corrected their mistake vide Annex.A1 however, the penalty of the mistake committed by the respondents cannot be imposed on the applicant. In the result, the O.A. is partly accepted. The applicant shall be given the benefit of T.A, D.A. and other transfer benefits under the transfer order Annex.A-3 also because this order has been recalled vide Annex.A1 and the part that the applicant shall not be entitled for transfer benefit such as T.A, D.A etc. is hereby quashed in Annex.A-3 and the applicant shall be entitled for the same. The O.A. is disposed of accordingly with no order as to costs.

(D.L. Mehta)  
Vice Chairman.

