

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

69/98 OF 199


Applicant(s) *Shri Khagen Mehta*

Respondent(s) *CO 2 200*

Advocate for Applicant(s) *Mr. B. K. Sharma*

Advocate for Respondent(s) *Mr. S. Ali, S.C. G.S.C.*

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form of ... C.F. ... Dated ... 17.3.98 <i>f. of ... 7/11/98</i></p>	7-4-98	<p>Heard Mr. B. K. Sharma learned counsel appearing on behalf of the applicant and also Mr. S. Ali learned S. C. G. S. C. for the respondents.</p> <p>Application is admitted. Mr. B. K. Sharma prays for an interim order. He has drawn my attention to the letter dated 9/10-12-96 regarding the allegation against the department that the applicant has not been transferred in spite of his long stay. In the said order it is mentioned as follows:-</p> <p>"The other ASD Shri Khagen Mehta (sic) alleged to have put in a longer stay is left with nearly three years' service to retire and as per norms, officers left with only about three years service are generally not disturbed."</p> <p>Mr. Sharma submits that this being the position the present order of</p> <p style="text-align: right;">contd/-</p>

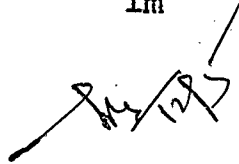
Notes of the Registry	Date	Order of the Tribunal
<p>N</p> <p>13.4.98</p> <p>Service of Notice has been receipt and issued to the respondents by Registry post vide Dispatched No. 931-934 dt. 13.4.98.</p> <p>Bm</p> <p>27.4.98</p> <p>Notice duly served on receipt No. 2.</p> <p>W/S has not been filed</p> <p>6/5</p>	<p>7-4-98</p> <p>lm</p>	<p>transfer is only for an oblique purpose and this was done at the behest of some other interested persons. Mr. Sharma has also drawn my attention to the transfer policy of All India Radio <sup>as contained in its</sup> Manual. At page 317 of that manual Clause-21 reads as follows:-</p> <p>"Member of staff, who are within the three years of reaching the age of superannuation will be posted at their home town, not be shifted therefrom. If it becomes necessary to post them elsewhere, efforts will be made to shift them to or near their home town to the extent possible"</p> <p>In view of the above Mr. Sharma, submits that the impugned order is contrary to the provision of the transfer policy of the All India Radio and to their own stand, as mentioned above.</p> <p>Heard Mr. S. Ali learned Sr. C.G.S.C. However, he has no instruction in this matter. But he does not dispute the provision of the Transfer Policy quoted above. He also does not dispute of the earlier stand.</p> <p>In view of the above the order of transfer Annexure 2 so far the applicant is concerned shall remain suspended until further order. However, liberty is given to the respondents to move this Tribunal for modification/cancellation or alteration of the interim order.</p> <p>This matter be listed on 8-5-98 for filing of written statement.</p> <p style="text-align: right;">               Vice-Chairman         </p>

8-5-98

Learned counsel Mr. B.k. Sharma appearing on behalf of the applicant submits that the impugned order dated 7-4-98 has since been cancelled. Mr. S. Ali, learned Sr. C.G.S.C. also confirmed the same. In view of the above the application is become infructuous.

  
Vice-Chairman

lm



19.5.98

Copies of the order issued to the parties through Regd. with A.D.

ll.