

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 720 of 2003

Jabalpur, this the 15th day of October, 2003

Hon'ble Shri J.K. Kaushik, Judicial Member
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Mrs. Vijaya Kanetkar, W/o.
Sri Mukul Manohar Kanetkar,
Aged about 44 years, Senior
Accountant, Office of Director
of Accounts (Postal), G.T.B.
Complex, T.T. Nagar, Bhopal
462 003.

... Applicant

(By Advocate - Shri S.K. Nagpal)

V e r s u s

1. Union of India,
Through : The Secretary,
Ministry of Communications,
Department of Post, Dak Bhavan,
Sansad Marg, New Delhi.
2. The Director General,
Department of Post, Dak Bhavan,
Sansad Marg, New Delhi.
3. The Chief Post Master General,
MP Circle, Dak Bhavan, Bhopal.
4. Director of Accounts (Postal)
GIB Complex, T.T. Nagar,
Bhopal 462 003.

... Respondents

O R D E R (Oral)

By J.K. Kaushik, Judicial Member -

Mrs. Vijaya Kanetkar has filed this Original Application assailing the impugned order dated 29.08.2003, vide which she has been transferred from Bhopal to Raipur. Her name is at serial No. 8 of Annexure A-1.

2. The case was listed today for admission. We have heard the learned counsel for the applicant at some length.
3. It has been stated that the applicant as well as the husband of the applicant are handicapped and the certificate

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to that effect has been filed alongwith the paper book. The learned counsel for the applicant has submitted that the applicant came on transfer by losing her seniority and also in a lower post and she has been considered as junior most due to this. His contention is that if one person is transferred on bottom seniority, the person will not lose the long period of service. However/has submitted that the case of the applicant is very peculiar and if she is required to come at the new place of posting then it would be difficult for her survival as well as the survival of her husband, since both of them are handicapped. It has also been submitted that a detailed representation has been made to the competent authority vide Annexure A-5 dated 04.09.2003, but the same still remains under consideration. There is a grave apprehension that the applicant may be relieved at any moment even without disposal of her representation and she would suffer irreparable injury for none of her faults. It has also been submitted that she is being continuing at her present post at Bhopal.

4. We have considered the submissions made on behalf of the applicant. The major plea which has been raised by the learned counsel for the applicant is the plea of clemency. As regards the rule position the relevant rules have not been made available to us. Therefore we are not in a position to examine the case on merits and as regards the plea of clemency it is for the Departmental authorities to consider the same.

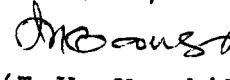
5. In this view of the matter we find it expedient and feel that the ends of justice would be met if the matter is remanded to the respondents for examining on merit. Therefore we express no opinion as regards merits of the case and

dispose of the Original Application on the following order :

The respondents are directed to decide the representation dated 04.09.2003 (Annexure A-5) filed by the applicant by passing a speaking order on examining the merits of the case within a period of one month from the date of receipt of copy of this order. In the mean time status-quo as of date shall be maintained till the representation is decided as per ordered above. A copy of the paper book shall also accompany with the copy of the order which is to be sent to the respondent No. 4 by the Registry. It is scarcely necessary to mention that in case the applicant is aggrieved by the final order which may be passed by the respondents on her representation the applicant will be at liberty to file a fresh application if so advised.

6. The Original Application stands disposed of in limine at admission stage itself.


(Anand Kumar Bhatt)
Administrative Member


(J.K. Kaushik)
Judicial Member

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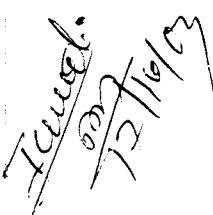
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S. Nagpal Adk


17.10.03


T. S. Nagpal Adk
17.10.03