

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No. 181/2018

Date of Decision: 9th October, 2018

CORAM: HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)
HON'BLE SMT RAVINDER KAUR, MEMBER (J)

Anilkumar S/o Bharatlal Bansod
Aged: 56 years, Occu. Working as
Assistant Engineer (P) at the office
of Superintendent Engineer, CPWD,
Nagpur, R/o:1/3, Janki Apartment,
Oppo. G.S. College, Giripeth,
Nagpur - 440 010. . . . **Applicant**

(By Advocate Shri R.S. Khobragade)

VERSUS

1. Union of India,
Through Directorate General,
Central Public Works Department,
Nirman Bhawan, New Delhi - 110 011.
2. Special Director General,
Western Region, 15th Floor,
Old CGO Annex, 101,
M.K. Road, Mumbai - 400 020.
3. Executive Engineer (Coord),
Western Region, CPWD,
3rd Floor, New CGO Building,
48, Marine Lines, Mumbai
- 400 020.
4. Superintendent Engineer,
Nagpur Central Circle,
CPWD, No.6, Seminary Hills,
Near T.V. Tower,
Nagpur - 6.

(By Advocate Shri B.K. Ashok)

ORDER (ORAL)**PER: SHRI R. VIJAYKUMAR, MEMBER (A)**

Heard learned counsels.

Learned counsel for the applicant refers to para 5 of the OM No.28034/9/2009-Estt(A) dated 30.09.2009 which advises common posting to the husband and wife within the constraints of administrative convenience.

2. Reference to the representation of the applicant dated 03.05.2018 (Annexure A-5) also reveals the following request as the grounds for retention at Nagpur:-

“1) My spouse is a lecturer at Junior College at Nagpur and salary is given by Govt. of Maharashtra and governed by the rules and regulation of service and pension as per Ministry of Education Govt. of Maharashtra. Her College has no branch outside Nagpur.

2) I am doing the in house structural designs since 1997 and from 2009 to till date as AE at SE, NCC, CPWD, Nagpur and additional charge of CE, (WZ-II), CPWD, Nagpur.

3) I am suffering from high blood pressure (Hypertension) since 2014 and have to take 3 times a medicine to keep the B.P. upto control. On account of this I am doing structural in house designs and checking of outsourced designs, drawings both at Circle Office and Chief Engineer, Nagpur. I am unable to cope the field stress due to hypertension.”

3. With reference to the grounds relating to the spouse, this is subject to administrative constraints, as settled by the Hon'ble Apex Court in **Union of India v/s. S.L. Abbas** reported in **1993 AIR 2444**.

S.L. Abbas reported in **1993 AIR 2444**. The learned counsel for the respondents submits that the applicant is serving at Nagpur for as long as 25 years which is not rebutted. The applicant is seen to be 56 years old at the present moment. It is evident that the respondents have shown tremendous consideration to the circumstances of the applicant all these decades. In the circumstances, the application of clause 5 to the case of the applicant is fraught with limitations and it is apparent that he may not be deserving of such a consideration. In any case, this Tribunal has no jurisdiction to step into the shoes of the administration and to take a view on what clearly lies with their administrative domain.

4. With regard to ground 2, this is also a matter relating to the respondents and applicant cannot use this excuse to remain at the post assuming that he is alone capable of

executing this work. The third ground is of routine nature which bears no merits whatsoever.

5. In the circumstances, the applicant has produced no evidence whatsoever in support of his application for grant of interim stay or for any relief in this OA. The Original Application is, accordingly, dismissed with no order as to costs.

(Smt Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

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