

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHIO.A. No. 727 1987
~~Ex. No.~~

DATE OF DECISION 27 DEC., 1989

Petitioner_____
Advocate for the Petitioner(s)

Versus

Respondent_____
Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.N. JAYASIMHA, VICE CHAIRMAN.

The Hon'ble Mr. -- --

1. Whether Reporters of local papers may be allowed to see the Judgement? *no*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal? *no*

MGIPRRND-12 CAT/86-3-12-86-15,000

BNJ
B.N.J.
(HVC)

39

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 727 of 1987

Date of Order: 27/12/1989

S.BODDU

.. APPLICANT

VERSUS

ASST.PERSONAL OFFICER:

S.E.RLY AND ANOTHER

.. RESPONDENTS

...

For Applicant: Mr.M.Venkata Raidu for Mr.B.^PPrayaga Murthy,
ADVOCATE.
For Respondents: Mr.P.Venkat Rami Reddy, SC for Rlus.

..

C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

..

(Judgment delivered by Shri B.N.Jayasimha Vice Chairman)

....

1. This is an application from a Head Clerk in the South Central Railway, Waltair division. He is aggrieved by the Office Order No.EST.Engg.No.152/87, dated 21-10-1987 passed by the 1st respondent transferring the applicant from Cheepurapally to Waltair.

2. The applicant states that while he was working as a Head Clerk, he was transferred to Cheepurapally of Vijayanagaram district on the grounds of administrative reasons. The applicant carried out the said transfer orders and reported ^{by} duty and has ~~se~~ been working there without any complaint. In the meantime, even before completion of one year of service, the applicant was once again transferred to Waltair division on administrative reasons. The applicant

but

contd..2

..2..

states that this has been done on the motivation of the Employees Union viz., SER Mens Union Congress which is the Union opposite side of S E R Mens Union in which the applicant is a member and is an active participant.

The applicant states that he is having only three years ~~left~~ of service left and he wants to make preparatory plan of settling after retirement from service, and at this juncture transfer even before completion of one year of service would cause un-expressable and innumerable difficulties. The applicant states that this has been done at the instigation of the leaders of the rivalry Union. He has been taking active part in various Social and Cultural functions for welfare of the SER employees, which act is not likened by the rivalry Union. The applicant states that his transfer would cause dis-location of education of his children and the health care of his family members and his daughter is studying 10th Standard in a High School at Cheepurapally. The applicant further contends that the impugned transfer order has not been issued by the 2nd respondent who is the competent authority and it was issued by respondent no.1. The transfer order is also vague because it does not indicate clear place of posting, time to be allowed for joining the new place of posting and the authority before whom the applicant is required to report duty. Hence, the applicant has filed this application.

3. The respondents in their counter state that the order of transfer has been made in administrative interest and the allegations of malafides are entirely baseless. While the applicant was working at Cheepurupalli, he was trapped by CBI and in order to facilitate proper investigation,

contd..3

..3..

the CBI suggested that he may be transferred from Cheepurupalli. The administration was quite fair to the applicant inasmuch as the posting is given to a convenient station namely Waltair, where he already worked for several years. The allegation that the transfer order was issued at the instance of the Employees' Union which is opposed to the applicant is absolutely baseless. The applicant is not even an Office bearer of any Employees' Union. The contention of the applicant that respondent no.1 was not competent to issue the transfer order is devoid of merit. The transfer order was issued after taking the approval of the Sr.Divisional Engineer who is the concerned officer of the Department in which the applicant is working. The 1st respondent merely communicated the transfer order as per the approval accorded by the Sr.Divisional Engineer. For these reasons, the respondents oppose this application.

I have heard the learned counsel for the applicant Shri M.Venkat Raidu for B.Prayaga Murthy and the learned standing counsel for the Respondents Shri P.Venkat Rama Reddy.

From the facts narrated above, it is clear that the contention of the applicant that he has been transferred because of his active part in social and cultural functions and that the rival union instigated his transfer has no basis. The contention of the applicant that the order has been passed by the authority who is not to competent to pass the same has also no basis. It is well settled that transfer is ^{an incident of service and} not a condition of service and an employee

bv

contd..4

..4..

is required to serve wherever he is posted. No ground has been made to infer that the order has been for reasons other than administrative..

The application is therefore liable to be rejected and I accordingly do so. There is no order as to costs.

DATE: 27th Dec., 1989

B.N. Jayasimha
B.N. JAYASIMHA
VICE CHAIRMAN

S. Venkatesh
DEPUTY REGISTRAR(J)
2.1.90

TO:

1. The Assistant Personal Officer, office of the D.R.M.(P) south eastern railway, Waltair.
2. The Divisional Personal officer, office of the D.R.M.(P) south eastern railway, Waltair.
3. One copy to Mr.B.Prayaga Murthy, Advocate, 7-1-621/22, Sanjeevareddy nagar, Hyderabad-500 038.
4. One copy to Mr.P.V.Reddy, SC for Rlys., CAT, Hyderabad.
5. One spare copy.

...

kj.

Mr. P. V. Reddy
24/12/89