

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT
HYDERABAD

TUESDAY THE TWENTIETH DAY OF JANUARY
ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN

: PRESENT :

THE HON'BLE MR.B.N.JAYA SIMHA: VICE-CHAIRMAN
AND

THE HON'BLE MR.D.SURYA RAO: MEMBER

ORIGINAL APPLICATION NO.59/87.

Between:-

Fauzdar

.....Applicant.

And

1. The State of A.P., represented by its Secretary, Forest Department, Secretariat, Hyderabad.
2. The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad.
3. K.Rameshwar, Conservator of Forests, Kurnool circle, Kurnool.

.....Respondents.

Application under Section 19 of the Administrative Tribunals Act, 1985 praying that in the circumstances stated therein the Tribunal will be pleased to call for all the relevant records pertaining to the impugned proceedings of the Ist respondent dated 16-12-86 in G.O.Rt.No.1282, and quash the same in so far as the petitioner is concerned.

For the Applicant:- Mr.E.Subramanyam, Advocate.

For the Respondents:- Mr.M.P.Chandra Mouli, Special counsel
for the State Government of A.P.,

The Tribunal delivered the following Judgment:-

The Applicant herein is a Divisional Forest Officer, in Nandyal division, Kurnool district. His application is for quashing of the order G.O.Rt.No.1282 dated 16-12-86, Forests, Animal Husbandry and Fisheries (For.II) Department, Government of A.P., Hyderabad whereby he has been transferred from Nandyal division to Kurnool division as working Plan Officer. The main allegation of the applicant is that the third respondent, the

conservator of Forests, Kurnool is inimically disposed towards him and is responsible for his transfer. Malafides are attributed to the third respondent. Admittedly in this case, the transfer has been ordered by the Government of Andhra Pradesh on the recommendation of the Principal Chief Conservator of Forests, Andhra Pradesh. No malafides are attributed either to the Government or to the Principal Chief Conservator of forests.

.....
The allegations made in the affidavit and the material papers in support of the application *disclose* that there has been considerable ~~friction~~ friction between the applicant on the one hand and the 3rd respondent, the Conservator of Forests on the other.

.....
On behalf of the State Government, the learned counsel has represented that the order has been issued in the interest of smooth administration, that a bomb was placed in the office of the applicant and this was reported to the Principal Chief Conservator of Forests. In the interest of good administration, the Government of A.P., issued this transfer order. In the circumstances, we see no merits in this application which warrants admission and calling for the records or interfering with the orders issued.

" We find no reason to admit the application and it is accordingly dismissed.

Sd/-M.A.Hameed,
Deputy Registrar.

//True Copy//

for Deputy Registrar.

To

1. The Secretary, Forest Department, Secretariat, Hyderabad.
2. The Principal Chief Conservator of Forests, A.P., Hyderabad.
3. One C.C. to Mr.E.Subramanyam, Advocate.H.No.3-4-58, Lingampalli Road, Hyderabad,A.P.,
4. One C.C. to Mr.M.P.Chandra Mouli, Spl. Counsel for the State Government of A.P.,
5. One Spare Copy.

VGB.

SVL

For the Applicant :- E. Subramanyam, Advocate

For the Respondents :- Mr. M.P. Chandra Mowli,
Spl. Counsel for the State
-2- Court of AP.

The Application coming on for orders, upon perusing the Application and upon hearing the arguments of Mr. Advocate of the Applicant (s).

~~IT IS ORDERED THAT~~

The Tribunal delivered the following Judgment -

(Separate sheet attached)

~~be and hereby are stayed, pending further orders on this application.~~

(Signature)
27/1/82

Deputy Registrar.

To

- 4 2 1/2
- 1) The Secretary, ~~State of AP,~~
Forest Department, ~~at~~
Secretariat, Hyderabad.
 - 2) The Principal
Chief Conservator of Forests,
AP, Hyderabad.
 - 3) one cc to C: to Mr. E. Subramanyam, Advocate.
H. NO 3-4-58, Lingampalle Road,
Hyderabad AP
 - 4) one cc to Mr. M.P. Chandra Mowli
Spl. Counsel for the State Court of AP.
 - 5) one spare copy.

O.A. No. 59 of 1987
(D.A. 61/87)

Counsel for applicant:

Mr. E. Subramanyam

Counsel for respondents:

Mr. M. P. Chandramouli,
Spl. Counsel for the
State Govt. of A.P.

...

The applicant herein is a Divisional Forest Officer, in Nandyal Division, Kurnool District. His application is for quashing of the order G.O.Rt.no.1282 dated 16-12-86, Forests, Animal Husbandry & Fisheries (For.II) Dept. Govt. of A.P., Hyderabad whereby he has been transferred from Nandyal division to Kurnool Division as Working Plan Officer. The main allegation of the applicant is that the third respondent, the Conservator of Forests, Kurnool has ^{inimically} ~~enimically~~ disposed towards him and is responsible for his transfer. Malafides are attributed to the third respondent. Admittedly in this case, the transfer has been ordered by the Government of Andhra Pradesh on the recommendation of the Principal Chief Conservator of Forests, Andhra Pradesh. No malafides are attributed either to the Government or to the Principal Chief Conservator of Forests.

The allegations made in the affidavit and the material papers in support of the application disclose that there has been considerable friction between the applicant on the one hand and the 3rd respondent, the Conservator of Forests on the other.

On behalf of the State Government, the learned Counsel has represented that the order has been issued in the interest of smooth administration, that a bomb was placed in the office of the applicant and this was reported to the Principal Chief Conservator of Forests. In the interest of good administration, the Government of A.P. issued this transfer order. In the circumstances, we see no merits in this application which warrants admission and calling for the records or interfering with the orders issued.

We find no reason to admit the application ^{and it is accordingly dismissed.}
B.N. Jayasimha
(B.N. JAYASIMHA)
V. C.

D. Surya Rao
(D. SURYA RAO)
MEMBER.

20th Jan., 1987.