

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

Mon DAY THE *twelfth* DAY OF *October*
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. *470 of 1987*
and *M.A. 374/87 in O.A. 470/87*

Between:-

D. Sampada Rao.

And

.....Applicants.
(Respondents in *M.A. 374/87*)

- 1) The Sub-Divisional Officer, Telecom, Amalapuram, E.G.Dt.
- 2) Sri T.V. Sudhakara Rao, Sub-Divisional Officer, Telecom, Amalapuram
- 3) Sri S.S. Prakasa Rao, Lineman, phones, Telecom. Dept. (Gudapally, Rayolu TQ, E.G.Dt.)

O.A. 470/87.

.....Respondents.
(Applicants in *M.A. 374/87*)

Application under Section 19 of the Administrative Tribunals Act, 1985 praying that in the circumstances stated therein the Tribunal will be pleased to a) to call for the records connected with the orders of the first respondent passed in proc. No. E-3/LM/86-87/101 dated 5-6-87 and quash the same and consequential direction to post the applicants at Amalapuram as store Lineman, atleast till the completion of the tenure of four years.

M.A. 374/87

P1
20
Application under section 8(3) of the Administrative Tribunals (Procedure) Rules, 1987, praying that in the circumstances stated therein the Tribunal will be pleased to vacate the interim orders dated 27-7-87 in the above application.

41

ORIGINAL APPLICATION NO. 470 / 87

-AND-
M.A. No.374/87(vacate stay)

(ORDERS OF THE TRIBUNAL)

In this application, the applicant who is
working as ^{in the Telecom Dept.} Store-Lineman at Amalapuram since July, 1985,
he questions the orders of transfer dated 5-6-1987 whereby

he has been transferred and posted as Lineman at Guda-
palli, which is 45 Kms. away from Amalapuram. The

^{Sole}
~~whole~~ ground on which the transfer is sought to be

impugned is that the post of Store Lineman is a tenure
post and he is entitled to hold that post until 1989,
but by the impugned orders, he was sought to be trans-
ferred even before he completed 2 years in that post.

2. On behalf of the respondents, a counter has been
filed stating that although the post is a tenure post,
the administration ^{transferred him} on the ground that he was not dis-
charging his duties to the satisfaction of the depart-
ment and that several field staff were complaining
that the applicant was not extending cooperation in
issuing stores to the field staff when they approach
him after duty hours, although the services of the Store-
Lineman was on-call duty to meet the emergencies.

contd..2

13

12

The applicant was also going on leave frequently either by reporting sick or availing casual leave without prior sanction.

3. We have heard the arguments of Shri P.V.S.S.Ramarao, for the applicant and Shri K.V.Subba Rao, Central Govt. Standing Counsel, for the respondents. During arguments, it ~~is~~^{was} brought to our notice that the first respondent had issued a letter to the Branch Secretary of the local union that he has no hesitation to cancel the orders of transfer if the applicant gives an undertaking in writing that he would not be adamant towards the staff and also the first respondent, and that he will bring all the accounts of the stores upto-date without any discrepancy. It would, therefore, be seen that the department has no objection to retain the applicant provided he undertakes to work diligently in his present post as Store Lineman, Amalapuram. Shri Ramarao, on behalf of the applicant, states that it is not correct to say that the applicant is not working properly and the undertaking should not be

contd..3

by
Da

13
construed as an admission of his non-performance of
duty which may give rise to the department taking any
action against him. Shri Subba Rao, for the respon-
dents, says that in the event of the applicant's ^{work} con-
tinuing to ^{be unsatisfactory} ~~work improperly~~ in future also, it ^{should be left} ~~is~~ open
to the department to take suitable action against him.

Having heard the rival submissions made

We direct that in the event of the applicants giving

an undertaking as above, he shall be retained at

Amalapuram and the impugned order of transfer stands

quashed. This order does not preclude the Department

to take any ~~suitable~~ ^{against the applicant for any} action, ~~if any intended to be~~

Continued Dereliction of duty

the Department. ~~It does not require any statement~~

~~to be incorporated in this judgment to that effect.~~

4. With the above directions, the main application

O.A.No.470/87 is disposed of. There will be no order

as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman.

D. Surya Rao
(D. SURYA RAO)
Member (Judl.)

12th Oct., 1987.

RSR°

PS
Dec

YLR
14/10/87

DR
16/10

IN THE CENTRAL ADMINISTRATIVE

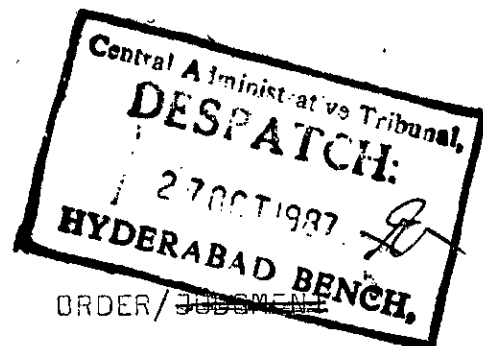
TRIBUNAL : HYDERABAD

THE HON'BLE MR. B. N. JAYA SIMHA (VC)

AND

THE HON'BLE MR. D. SURYA RAO (M)

Dated: 12.10.87.



D.A./T.A. No. 270/87. ✓

M.A.
(M.A. NO. 374/87)

(Disposed of with
direction)