

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

MONDAY THE Seventeenth DAY OF August,
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. 507 of 87

Between:-

M. Madhu?

And

.....Applicants.

- 1) The Flag officer Commanding-in-charge
Headquarters, Eastern Naval Command,
Visakhapatnam - 14.
- 2) The Commanding officer, INS,
Circars, Visakhapatnam - 14.

.....Respondents.

Application under Section 19 of the Administrative
Tribunals Act, 1985 praying that in the circumstances stated therein
the Tribunal will be pleased to set aside the impugned
Naval command letter CE/0717/CEI of ~~10~~
August 1987.

ORIGINAL APPLICATION NO. 507 of 1987

(ORDERS OF THE TRIBUNAL)

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The applicant who is working in Visakhapatnam under Naval Establishment has been transferred from Visakhapatnam to Chilka. He states that there are no facilities for medical treatment for his heart trouble and that he is being treated at a Hospital in Visakhapatnam. He filed O.A.No.325 of 1986 and the transfer was stayed by an interim order pending final disposal of the case. Finally, the said Application was dismissed on 28-7-1987 with an observation that the dismissal of the application will not stand in the ^{way} of the Respondents to consider posting the applicant at a place where there are adequate medical facilities for treating his heart ailment. The applicant now complains that he is ^{again} being transferred to Chilka. The applicant, however, has not filed any transfer order. The only ground raised in the present application is that the respondents have transferred the applicant to Chilka in haste unmindful of the great harm being inflicted upon the applicant suffering from heart trouble.

contd..2

2. We have heard Mr. Shaik Shah Ali, for the Applicant and Mr. G. Panameswara Rao on behalf of Sri K. Jagannadha Rao, Central Government Standing Counsel, for the Respondents. Transfer is a condition of service and made in exigencies of service. The applicant has come to this Tribunal even before any order of transfer has been issued. It is open to the applicant to represent his difficulties to the Department for their sympathetic consideration. In this application, he has not made out any case for interference. We find no reason to pass any order in the matter. The application is accordingly dismissed at the admission stage itself.

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

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

17th August, 1987.

RSR*