

THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

For DAY THE fifth DAY OF May
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

THE HON'BLE MR. BN. JAYA SIMHA : VICE-CHAIRMAN

AND J. Narasimha Murthy
THE HON'BLE MR. D. SURYA RAU : MEMBER (JUDL.)

ORIGINAL APPLICATION NO. 382 OF 1989

BETWEEN:-

K. Lakshmana Rao

..Applicants

A N D

Engineer-in-charge

Army Headquarters,

Kashmir House, DHA part,
New Delhi

...Respondents

P 1

7/5/89

9-5-89

ORIGINAL APPLICATION NO.382 of 1989

ORDER OF THE TRIBUNAL

The applicant herein is a Superintending Engineer ~~in~~ ~~the office of the~~ Commander Works Engineer, Visakhapatnam. He has filed this application aggrieved by the order No.70001/MES/SE/EIA dated 10.4.1989 issued by the Engineer-in-Chief, Army Headquarters, New Delhi transferring him from Visakhapatnam and posting at SO1, CE (P) Fy, Secunderabad.

2. The applicant contends that he was promoted as Superintending Engineer and posted to Commander Works Engineer, Visakhapatnam from the post of CE SC, ~~Secunderabad~~ Pune and assumed the higher rank on 3.5.1988. As per the Headquarter's 'Career Planning and Posting Policy' the normal tenure of an executive appointment is 2½ years to 3 years. By the impugned order, he has been moved from Visakhapatnam even before completion of one year's service on the ground of public interest. The applicant states that ~~xxx~~ several officers viz., K.V.Krishna Murthy, Shri V.N.Mehta, Shri D.V.Subba Rao and Shri C.V.Deekshit who are quite seniors ~~xxx~~ have been staying in Visakhapatnam for longer periods and they have not been disturbed. The applicant states that consequent to his transfer from Pune, he had shifted his family ~~from~~ very recently in August 1988 and by the impugned transfer order,

P3
7/5/89
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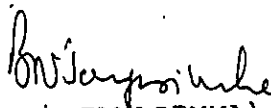
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the education of his children would be affected. The applicant also states that he had submitted a representation to the Engineer-in-Chief on 22.4.1989 (Annexure-I) and it is yet to be disposed of. Inasmuch as the transfer is in violation of the 'Career Planning and Posting Policy of MES Civilian Officers December 1987', he has filed this application seeking quashing of the impugned order.

3. We have heard the learned counsel for the applicant and Shri E.Madan Mohan Rao, Addl. CGSC. The applicant made a representation dated 22.4.1989 which is yet to be disposed of. The application is, therefore, premature under Section 20 of the Administrative Tribunals Act, 1985. The learned counsel for the applicant states that the applicant is still continuing to hold the post and no one else has taken charge of the new post. ~~However,~~ Having regard to the circumstances and facts stated in the application, we direct the respondents to retain the applicant at his existing post till such time his representation is ^{duly considered} ~~disposed of~~ on merits by the competent authority and disposed of.

4. With these directions, the application is ~~dismissed~~ ^{disposed of} as premature. There will be no order as to costs.

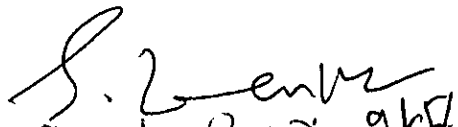
(Dictated in the open court.)


(B.N. JAYASIMHA)
Vice Chairman


(J. NARASIMHA MURTHY)
Member (Judl.)

Dated: 5th May, 1989.

vsn


Deputy Registrar (K.S.)

P4
76
24-5-89