

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

For ✓ DAY THE thirtieth ✓ DAY OF June ✓
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

~~THE HONOURABLE MR. D. N. JAYASIMHA : VICE CHAIRMAN~~

AND

THE HONOURABLE MR. D. SURYA RAO : MEMBER (JUDL) ✓

AND

THE HONOURABLE MR. D. K. CHAKRAVERTY : MEMBER (ADMN) ✓

AND

~~THE HONOURABLE MR. J. N. RASIMHA MURTHY : MEMBER (JUDL)~~

ORIGINAL APPLICATION. 405 OF 1989 ✓

BETWEEN:-

P. V. Narasinga Rao, ✓

...Applicants ✓

AND

1. Govt. of Andhra Pradesh, Rep. by
The EX - Officio Secretary,
Energy, Forests, Environment,
Science and Technology, (For II) Department,
Secretariat Buildings, Hyderabad ✓
2. K. Madan Mohan, Divisional Forest Officer,
(Flying Squade Diun. No. II) office of the
Principal Chief Conservator of Forests,
A.P. Saifabad, Hyderabad. ✓
3. Union of India, Rep. by the Secretary,
Ministry of Environment, & Forests, Parganaya Bhanu,
CGO Complex, New Delhi ✓

(R3 impleaded as per order of the Tribunal
dt 22.6.89 in M.A. 346/89) ✓

...Respondents ✓

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(JUDGMENT OF THE TRIBUNAL DELIVERED BY MEMBER(J)
SHRI D.SURYA RAO)

The applicant is a member of the Indian Forest Service. He has filed this application questioning the order G.O.Rt.No.409, Energy, Forests, Environment, Science and Technology (For.II) Department dated 20-5-1989 issued by the first respondent transferring him from the post of Deputy Conservator of Forests, Rangareddy district to the post of Forest Utilisation Officer, Hyderabad. He states that while he was working as Divisional Forest Officer, Adilabad, he was transferred as D.F.O., Hyderabad by an order dated 2-4-1988, that even before the transfer order could be implemented, the order was cancelled and he was posted as Deputy Conservator of Forests, Social Forestry, Rangareddy, that after he has worked as such for just over one year, the impugned order was passed again transferring him and that the 2nd respondent was posted in his place as Deputy Conservator of Forests, Social Forestry, Rangareddy district. He states that the post of Deputy Conservator of Forests is a promotional post in the State cadre, and that the second respondent is only an Assistant Conservator and should not have been posted thereto. It is alleged that the transfer of the applicant is premature, contrary to the policy of the State Govt.,

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not to disturb an officer within three years or shortly before retirement, that the applicant is due to retire on 31-12-1989 and that his transfer is, therefore, not in public interest. It is further alleged that the second respondent has put considerable pressure on the higher officials of the department through the concerned Minister and that the transfer of the 2nd respondent to the post occupied by the applicant is due to this pressure despite his being neither eligible nor entitled to occupy the post of Deputy Conservator of Forests.

2. On behalf of the first respondent, a counter has been filed denying the various allegations made by the applicant. It is stated that the applicant has, by the impugned order, been transferred from a State cadre post to an I.F.S. cadre post. The post of Forest Utilisation Officer, Hyderabad is a cadre post, it was occupied by one Shri Santokh Singh who was a cadre officer, that due to transfer of the latter a cadre officer had to be posted thereto and the applicant/^{who}was occupying a non-cadre post, was posted, as a cadre post had necessarily to be filled by a cadre officer. In regard to the contention that the 2nd respondent should not be posted to a post to be filled by a Deputy Conservator of Forests, it is stated in the counter that there are 10 posts of Deputy Conservators of Forests in the State cadre vacant, that since no Deputy Conservator of Forests are available in the exigencies of service, it became necessary to post

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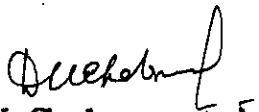
Senior Assistant Conservators to these posts and that the second respondent is one of such ten Assistant Conservators manning Deputy Conservators posts. The allegation that the 2nd respondent brought about the transfer of the applicant is denied and it is stated that no motives or malafides can be attributed when the applicant has been transferred to a cadre post without change of headquarters with least inconvenience to him.

3. We have heard Sri Krishna Reddy, learned counsel for the applicant, Sri Chandramouli, Standing Counsel for the 1st Respondent and Sri Parameshwara Rao for Sri Rajagopala Raju, Senior Central Government Standing Counsel for the 3rd respondent. Shri Krishna Reddy, quite fairly, did not press the ^{on} contention that the transfer of the applicant is motivated ^{as his allegations in this regard} and ~~some due to interference~~ ^{were only based on suspicions of the applicant.} by the Minister concerned. The main plea advanced by Sri Krishna Reddy is that the applicant should not have been disturbed just over a year after taking charge at Rangareddy district and that ^{is not warranted since} his ~~was~~ transferred when the applicant is due to retire within six months, ~~is not warranted.~~ We are unable to agree with these contentions. Transfer is a condition of service and on grounds of administrative convenience it is always open to the Government to effect a transfer despite an officer not completing a three years tenure in a particular post.

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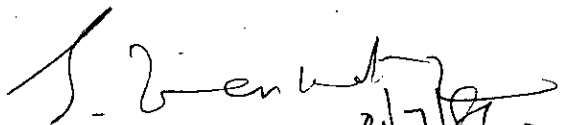
The reasons given for transferring the applicant viz. that he being a cadre officer should be accommodated in a cadre post, is a valid reason. The fact that minimum inconvenience is caused to the applicant since he is being retained at Hyderabad without change of headquarters implies that the transfer is neither motivated nor mala fide. It is not for the applicant to question the competence or validity of the posting of the second respondent to a post to be manned by a Deputy Conservator of Forests. It is only a state cadre officer who could question such a posting if aggrieved. We find no merits in the contentions raised by the applicant. The application is accordingly dismissed, but without costs. The interim orders issued in M.A. 346/1989 staying the transfer of the applicant are vacated. Shri Krishna Reddy represents that this order of the Tribunal should not prevent the applicant from making a representation to Government seeking retention in his present post. It is always open to an employee to make such representation, as he may wish to make, to Government and no orders of the Tribunal are necessary or called for in this regard.


(D. Surya Rao)
Member (J)


(D.K. Chakravorty)
Member (A)

Dated: 30th June, 1989.

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Deputy Registrar (J)

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