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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

* Tues DAY THE *Thirtieth* DAY OF *May*
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

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

~~AND~~
THE HON'BLE MR. D. SURYA RAO : MEMBER (JUDL.)

The Hon'ble Mr. D. K. Chakravorty (Member (Admin))

ORIGINAL APPLICATION NO. 415 OF 1989

BETWEEN:-

R. Surjanarayana.

..Applicants

A N D

*The Collection
Central Excise.
Hyderabad-29.*

...Respondents

② issue an order on direction calling for the records relating to the impugned.
.2.

Application under Section 19 of the Administrative Tribunals Act, 1985 praying that in the circumstances stated therein the Tribunal will be pleased to ~~withdraw the responsibility to~~ retain, and

~~continue the applicant as Superintendent, Central Excise~~
~~Matlabnagar by suspending the operation of the~~
proceedings ~~in~~ Establishment order (E.O) No 30/89,
DT: 19-4-1989. and ^{modified order in} Establishment order (E.O) No 39/89
DT: 15-5-1989 issued by the Respondent, and Quash the
~~pending disposal of O.A. No.~~

same by declaring that the same is arbitrary
illegal, and motivated and cannot be justified
in the eye of law.

original application

as to admission

This Application coming on for orders/~~Final~~ Hearing upon perusing
the application and upon hearing the arguments of Mr. D. ~~Harinarayana Rao~~ ^{Lingappa Nagaraj}
for Mr. D. Lingappa ^{Advocate for the Applicant} and of Mr. G. Parameswara Rao
for P. Ramakrishna Raju ^{in case} on behalf of the Respondents.

The Tribunal ~~made~~/delivered the following Order/Judgment:-

Seperate sheet attached :

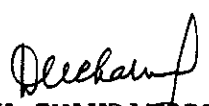
ORDER OF THE BENCH DELIVERED BY HON'BLE SHRI D.SURYA RAO, MEMBER (J)


The applicant herein is working as Superintendent of Central Excise, Mahabubnagar District. He has filed this application questioning the order dated 19.4.1989 as modified by the order dated 15.5.1989 transferring him from Mahaboobnagar. It is his case that he was transferred to Mahabubnagar by Establishment Order dated 27.1.1988 at his request and he was not allowed TTA and joining time. Normally, an employee should be allowed to continue at the place of transfer for a period of three years. In the instant case, apart from the fact that the applicant has completed one year and two months at Mahabubnagar it is stated that he is due to retire on 30.6.1990. The Government of India instructions are that persons due to retire should not normally be transferred within two years from the date of retirement. The applicant has submitted a representation dated 25.4.1989 seeking retention at Mahabubnagar. This was followed by a letter dated 10.5.1989 addressed by Shri Harish Rawat, Member of Parliament to the Minister concerned referring to the applicant's representation dated 25.4.1989 seeking cancellation of the transfer. It is contended that even till to date, the representation has not been disposed of. The applicant apprehends that the transfer orders will be given effect to immediately before disposing of his representation.

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2. We have heard the learned counsel for the applicant and Shri Parameswara Rao who takes notice on behalf of the respondents. From the facts as set out above, it is clear that the applicant has made a representation on 25.4.1989 seeking cancellation of the transfer order from Mahabubnagar. Till to-date the representation has not been disposed of by the respondents. Normally under the ~~Administrative~~ Administrative Tribunals Act (Section 20), six months time is given for the Department to dispose of any representation or appeal made by an employee if aggrieved by any order. Therefore, prima facie, the application appears to be premature as the representation of the applicant is yet to be disposed of. Hence, the application can be disposed of as premature with a direction that the respondents to dispose of his representation dated 25.4.1989 expeditiously. ^{However} Till the disposal of his representation, the applicant shall not be disturbed from his present post of Superintendent of Central Excise, Mahabubnagar. With these directions the application is disposed of as premature. There will be no order as to costs.

Dictated in the open court.


(D.K. CHAKRAVORTY)
Member (Admn.)


(D. SURYA RAO)
Member (Judl.)

Dated: 30th May, 1989.