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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD.

O.A.No. 89 of 1990

Date of Order: 31-1-1990

Between:

Dr.B.Venkateswarlu ..

Applicant

And

1. Indian Council of Agricultural Research represented by the Director-General, New Delhi.
2. Dr.E.A.Siddiq, Project Director, Directorate of Rice Research, Hyderabad. ..

Respondents

APPEARANCE

For the Applicant : Shri C.Suryanarayana, Advocate.

For the Respondents : Shri Naram Bhaskar Rao, Addl.CGSC.

CORAM

Honourable Shri B.N.Jayasimha, Vice Chairman.

Honourable Shri D.Surya Rao, Member (Judicial).

(Judgment of the Bench delivered by Hon'ble Vice Chairman,
Shri B.N.Jayasimha)

1. The applicant herein is a Principal Scientist attached to the Directorate of Rice Research (ICAR), Hyderabad. In this application he seeks to question the Office Order issued by the 1st Respondent bearing File No.23-4/89-Per.III, dated 22nd January 1990, transferring him and posting him to National Research Centre on Sorghum at Hyderabad, alongwith the post as Principal Scientist with immediate effect.

2. We have heard the learned Counsel for the applicant, Shri C.Suryanarayana, and the learned Additional Central Government Standing Counsel for the Respondents, Shri Naram Bhaskara Rao.

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3. Shri C.Suryanarayana states that the applicant is a specialist in Rice Research and has always been working in that area. As a Rice Research Scientist, he received many awards for his work. He has never been associated with any research work in Sorghum. He also contends that the order of transfer has been issued at the instigation of the 2nd Respondent and it is not in public interest.

4. Shri Naram Bhaskara Rao states that if the applicant is aggrieved by the transfer order, it is open for him to make a representation to the Department i.e. the Director-General, ICAR, New Delhi, for redressal of his grievance.

5. We have considered these submissions. It is well settled that transfer is an incidence of service and not a condition of service. In Gujarat Electricity Board Vs. Atmaram Sungomal Poshani's case (AIR 1989 Supreme Court 1433), the Supreme Court observed as follows:-

" Para 4: Transfer of a Government servant appointed to a particular cadre of transferable posts from one place to the other is an incident of service. No Government servant or employee of Public Undertaking has legal right for being posted at any particular place. Transfer from one place to other is generally a condition of service and the employee has no choice in the matter. Transfer from one place to other is necessary in public interest and efficiency in the public administration. Whenever a public servant is transferred, he must comply with the order but if there be any genuine difficulty in proceeding on transfer, it is open to him to make representation to the competent authority for stay, modification or cancellation of the transfer order. If the order of transfer is not stayed, modified or cancelled, the concerned public servant must carry out the order of transfer. In the absence of any stay of the transfer order, a public servant has no justification to avoid or evade the transfer order merely on the

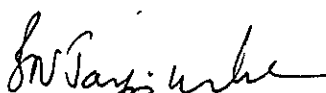
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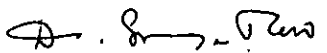
2nd/3rd

ground of having made a representation, or on the ground of his difficulty in moving from one place to the other. If he fails to proceed on transfer in compliance to the transfer order, he would expose himself to disciplinary action under the relevant Rules

6. In this case, the order of transfer has been issued by the Director-General, ICAR. It is for the applicant to represent to the Director General, ICAR, about his field of specialisation, etc., and his grievances in regard to the attitude of Respondent no.2 towards him.. When this position was pointed out, Shri Suryanarayana, learned counsel for the applicant represented that the applicant proposes to make representation to the Director General, ICAR and, as such, the present application is not pressed. In these circumstances, the application is dismissed as not pressed. No costs.

(Dictated in the open Court)


(B.N. JAYASIMHA)
Vice Chairman


(D. SURYA RAO)
Member (Judl.)

Dated: 31st January, 1990.

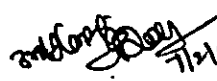

DEPUTY REGISTRAR (J).
14/1/90

NSR/SQH*

To

Hyderabad.

1. The Director General, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi-110001.
2. Dr. E.A. Siddiq, Project Director, Directorate of Rice Research, Hyderabad-500030.
3. One copy to Mr. C. Suryanarayana, Advocate, 1-2-593/50 Srinilayam, Sri Sri Marg, Gaganmahal, Hyderabad-29.
4. One copy to Mr. N. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
5. One spare copy.


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Draft by: Checked by: Approved by
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR.B.N.JAYASIMHA: (V.C.)

AND

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

AND

HON'BLE MR.D.K.CHAKRAVORTY:MEMBER:(A)

AND

HON'BLE MR.J.NARASIMHA MURTHY:MEMBER(J)

DATED: 31/1/90

ORDER/JUDGMENT

M.A./R.A./C.A./No. in

T.A.No. (W.P.No.)

O.A.No. 89/90

Admitted and Interim directions
issued.

Allowed.

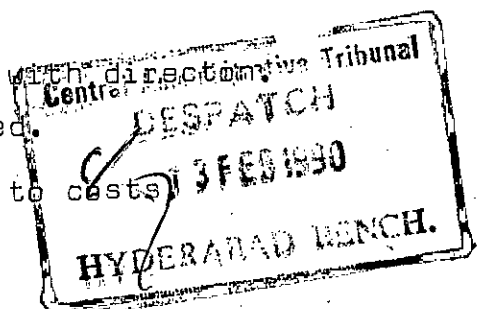
Dismissed.

Disposed of with directions of the Tribunal

M.A. Ordered.

No order as to costs

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2/2/90