

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD  
BENCH AT : HYDERABAD

O.A. No.320 of 1990

Date of Order: 25-5-1990

BETWEEN

Baipalli Tulasidas

.. Applicant

Versus

1. The Director of Naval Armament,  
Inspectorate, Naval Hqrs.,  
New Delhi.
2. The Flag Officer-Commanding-  
in-Chief, Eastern Naval Command,  
Visakhapatnam.
3. Chief Inspector of Naval Armament  
Inspectorate, Visakhapatnam .. Respondents

...

APPEARANCE:

For the Applicant : Sri M.P. Chandramouli &  
K. Janardhan Rao, Advocates

For the Respondent: Sri E. Madan Mohan Rao, Additional  
Standing Counsel for the Respondents

...

CORAM:

HON'BLE SHRI B.N. JAYASIMHA, VICE CHAIRMAN

HON'BLE SHRI D. SURYA RAO, MEMBER (JUDICIAL)

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

The applicant a chargeman in the office of the Chief Inspector Naval Armament Inspectorate seeks a direction that being a physically handicapped person (deaf person) he is entitled to be posted at the place of his choice in terms of Ministry of Defence Letter No.8(1)/89/D(Appts) Dt.2.2.1989.

(Contd....2)

(2)

The matter has come up for admission and it is contended by the Advocate Sri N.P.Chandramouli, the guidelines issued by the Ministry of Defence in the aforementioned letter dt. 2.2.89 lays down that "where the applicant is a physically handicapped person and does not have anybody to lookafter him/her at the station where he/she is serving he/she should be given priority over others for compassionate posting to their choice stations." Sri Chandramouli contends that two applications dt. 9.8.89 and 8.12.89 were made by the applicant claiming the benefit of the letter dt. 2.2.1989 but they were ignored. The applicant has therefore filed this application that non-extension of the letter dt. 2.2.89 is illegal and void and to retain the applicant at Visakhapatnam.

2. On the matter coming up for orders as to admission Sri Madan Mohan Rao, Addl. Central Govt. Standing Counsel takes notice and submits that the applicant had earlier filed several applications questioning his transfer from Visakhapatnam. The last of such applications was O.A.No.254/1989 which was dismissed after hearing and contest. By its order in O.A.No. 254/1989 this Tribunal had directed retention of the applicant till May, 1990. It is contended that this application is intended only to stall the transfer proceedings.

3. It is clear that the applicant could have asked for the same relief as asked for herein in the earlier application viz., O.A.254/1989. No doubt when that application was filed this cause of action was not available to the applicant. It is contended by Sri Chandramouli that under Section 20 of the Central Administrative Tribunals Act, 1985 he had to wait for 6 months after making his representation before he could move the Tribunal for the relief, that since the six months period was not over he could not legally raise or canvass this objection. This contention is in our view untenable. The applicant was aggrieved by the order of transfer from Visakhapatnam. He claimed in the earlier O.A. that the transfer

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was vitiated due to malafides and other reasons. During the pendency of the O.A. he got another <sup>Cause</sup> course of action for retention at Visakhapatnam viz., the issue of the letter dt. 2.2.1989. When the case had come up for hearing in January, 1990 he knew about this letter. He could have filed an application for amending his application or filed a better affidavit bringing forth to the notice of the Tribunal that pursuant to this letter he had a right to retention at Visakhapatnam, in view of the orders in the letter dated 2.2.1989. Further Section 20 does not make it incumbent on the Tribunal in all cases to wait for 6 months till representations for redressal of grievances are exhausted. Hence, it is clear that Section 20 was not an express bar to the applicant seeking relief during the pendency of the O.A. No. 254/1989 for implementation of the letter dt. 2.2.1989. We are satisfied that the applicant is seeking to avoid the order of transfer by raising piecemeal objections from time to time. We accordingly see no reason to admit the application. It is accordingly dismissed.

*B.N.Jayarama*  
(B.N. JAYASIMHA)

HON'BLE VICE CHAIRMAN

*D.Surya Rao*  
(D. SURYA RAO)  
HON'BLE MEMBER (JUDICIAL)

Dt. 25<sup>th</sup> May 1990.

*If anyone finds*  
1-6-90  
For Deputy Registrar (J)

To:

1. The Director of Naval Armament, Inspectorate, Naval Hqrs., Mysore, New Delhi.
2. The Flag Officer-Commanding-in-Chief, Eastern Naval Command, Visakhapatnam.
3. The Chief Inspector of Naval Armament Inspectorate, Visakhapatnam.
4. One copy to Mr. M. P. Chandramouli & K. Janardhan Rao, Advocates, 1-7-139/1, S.R.K. Nagar, Hyderabad-48.
5. One copy to Mr. E. Madan Mohan Rao, Addl. CGSC, CAT, Hyderabad.
6. One spare copy.

CHECKED BY *90*

TYPED BY:

COMPARED BY :

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:HYD.

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

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

AND

HON'BLE MR.J.NARASIMHA MURTHY(M)(J)

AND

HON'BLE MR.R.BALASUBRAMANIAN:(M)(A)

DATED: 25.5.90

ORDER/JUDGMENT:

M.A./R.A./C.A./No. ————— ia

T.A.No. ————— W.P.No. —————

D.A.No. 320/90. —————

Admitted and Interim directions issued.

Allowed.

Dismissed for default.

Dismissed.

Disposed of with direction.

M.A. ordered.

No order as to costs.

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