

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

O.A.No. 418 of 1990

Date of Order: 16-5-1990

Between:

B.T.Ranganna .. Applicant
and

1.Executive Engineer
Lower Krishna Division, Central
Water Commission, Hyderabad.

2.Assistant Executive Engineer
Lower Thungabhadra Sub Division
Central Water Commission
Kurnool-2, A.P. ..

Respondents

Appearance:

For the Applicant : Shri P.V.Venkata Rangan, Advocate.

For the Respondents : Shri E.Madanmohan Rao, Additional
Central Govt.Standing Counsel.

CORAM:

HONOURABLE SHRI D.SURYA RAO, MEMBER (JUDICIAL)
(Vacation Bench - Single)

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

1. The applicant herein is working as a Kalasi in the Office of the Assistant Executive Engineer, Lower Thungabhadra Sub-Division, Central Water Commission, Kurnool-2, A.P. It is his case that he has been transferred from Kurnool in A.P. to Malkhed in Gulbarga District in Karnataka State by the impugned proceedings No.LKD/A/WC/22013/1/87/CB-1/3161-83, dated 30-4-1990. The main ground on which the transfer is assailed is that the 2nd respondent had acted malafidely and



contd...



To:

1. The Executive Engineer, Lower Krishna Division, Central Water Commission, Hyderabad.
2. The Assistant Executive Engineer, Lower Thungabhadra Sub Division, Central Water commission, Kurnool-2, A.P.
3. One copy to Mr.P.V.Venkata Rangam, Advocate, Plot No.63, High Court Colony, Vanastalipuram,Hyderabad-500 661.
4. One copy to Mr.E.Madan Mohan Rao, Addl.CGSC,CAT,Hyderabad.
5. One spare copy.

. . .

kj.

got the applicant transferred, since the applicant refused to perform certain menial duties at the residence of the 2nd respondent.

2. Heard Shri P.V.Venkata Rangam, learned Counsel for the applicant, and Shri E.Madan Mohan Rao, learned Additional Central Govt. Standing Counsel for the department, who has taken notice at the admission stage.

3. Shri Madan Mohan Rao contends that no appeal has been preferred against the impugned order and the applicant has not exhausted the alternative remedy available to him. It is clear from the impugned order dated 30-4-1990 that the applicant has a right of appeal to the Superintending Engineer, Krishna-Cauvery Circle, Hyderabad, who is the next higher authority. It follows that the present application, having been made without preferring an appeal to the next higher authority against the order of transfer, is premature.

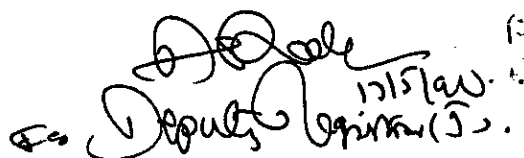
4. The applicant is, therefore, directed to prefer an appeal to the next higher authority within one week from the date of receipt of this order. Till the disposal of his appeal, the transfer of the applicant will not be implemented. In the event of the applicant not preferring an appeal, the transfer order may be implemented by the authorities. The application is disposed of with this direction. No order as to costs.

(Dictated in the Open Court)



(D.SURYA RAO)
MEMBER (JUDICIAL)

Date: 16-5-1990


12/5/90
Deputy Registrar (J.S.)

821
CHECKED BY

TYPED BY:

COMPARED BY :

IN THE CENTRAL ADMINISTRATIVE TRIBU-
NAL:HYDERABAD BENCH:HYD.

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

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

A N D

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

A N D

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

DATED: 17-5-90

ORDER/JUDGMENT: ✓

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

T.A.No.

W.P.No.

O.A.No. 418/90

~~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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