

(WS)

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

O.A.452/90

Dated:15th October, 1990.

S.Murali

...Applicant

Vs.

1. Secretary, Ministry of Surface & Transport,
Government of India, New Delhi.
2. The Director General of Shipping,
Jahaj Bhavan, Walchand Heerachand
Marg, Bombay.
3. The Principal Officer, Mercantile Marine
Depot, Anchor Gate Building, Rajaji Salai,
Madras.
4. The Surveyor-in-charge,
Mercantile Marine Department,
Post Box No.124, 124 Port Area,
Vizag 35.
5. The Regional Officer (Sails),
Tuticorn, Port Area,
Tuticorn, Tamilnadu.

...Respondents

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Counsel for the Applicant : M/s C.R.S.Raju
P.S.N.Murthy

Counsel for the Respondents : Shri Naram Bhaskar Rao,
Addl.CGSC

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CORAM:

HON'BLE SHRI B.N.JAYASIMHA (S) VICE-CHAIRMAN

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

(Judgment of the Division Bench delivered by
Hon'ble Shri D.Surya Rao, Member (J)).

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The applicant herein^{is} working as U.D.C. in the

Surveyor-in-charge, Mercantile Marine Department, Port

Area, Visakhapatnam under the Ministry of Surface &

Transport. In this application he seeks to question

the order of transfer dated 10-4-90 issued in letter

contd....2.

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No. EST/SM/84-Vol II/96 transferring him from Visakhapatnam to Tuticorn as ^{Regular} U.D.C. The main grounds on which he ^{has} sought to question the transfer is that he is Physically Handicapped person, ^{and} further he had an accidental fall on 21-10-89 and fractured his left leg, ^{He is} therefore ^{he} is not in a position to move on transfer. Earlier to the promotion order dt. 10-4-90 he was transferred to Madras and for the reasons given by him ^{and} in his representation dt. 16-1-90, the transfer order was cancelled. He ^{reiterates} ~~re-inducted~~ the same reasons i.e. he is a physically handicapped person, ^{that} he had fractures his left leg, he has a 70 years old sick mother to be looked after and that the education of his children would be affected due to difference in medium of education at Vizag and at Tuticorn, ~~xxx xxx xxx~~ and states that these are the sufficient reasons for ~~xxx~~ cancelling the transfer order. He alleges that the staff in the various stations have been working in the same stations whereas he has been picked-up for transfer from the station of his choice to another station. ^{He} further alleges that one Smt. Yellamma who is senior to him was not transferred. For these reasons he seeks to question the impugned order.

2. A counter has been filed on behalf of the respondents stating that the applicant joined in the service in the year 1965 and one of the service conditions is that he is liable to serve in any part of India. It is therefore not open to agitate that he cannot be transferred out of

contd...3.

Visakhapatnam. It is further alleges that he had initially accepted his transfer to Madras, which place of transfer was offered to him in the first instance. ~~Thus the case~~

~~handicap~~ of the applicant will not come in ^{his} way if he

is posted at Madras or at Tuticorin. It is further stated

that the objections raised by the applicant in regard to

his transfer to Madras would not apply in ^{view of} his transfer

took place to Tuticorin. In view of the liability to

^{he cannot object to the transfer.} serve any where in India. It was a transfer on promotion

as the Tuticorin Department is experiencing much difficulties

for want of Head Clerk. It is further stated that

there is no mala fide intention in transferring the applicant

as alleged. It is denied that there is no transfers

among the Group 'C' and Group 'D' staff and it is ^{the} prerogative

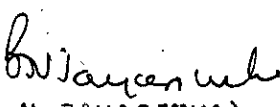
to transfer any official from one station to

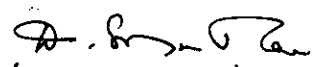
another station.

3. The Applicant is not present nor he is represented by 24-9-90, 12-10-90 and again listed on his advocate though the case was posted for hearing on 15-10-90

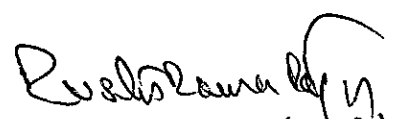
The applicant had been granted Interim Stay by an order of this Tribunal dated 6-6-90 when he had stated that in last 29 years no UDC has been transferred ^{me} from station to another station. Thereafter the respondents filed ^a vacate stay petition on 23-8-90 and the case was posted for final disposal on 24-9-90 and 12-10-90. On both the dates the applicant was not present nor was he represented by his Advocate. Hence we have taken-up the case and considered

the merits as raised in the application and in the counter. It is clear that the main grounds on which the applicant is relying is his physical condition and that he had fracture to his leg. ~~in the counter it is stated that~~ It is clear from the counter that the respondents have given him time to recover by cancelling the earlier transfer to Madras. Hence ~~these~~ grounds cannot be a cause for permanent retention in the Visakhapatnam. In the counter it is further stated that this is not the only case of transferring the Group 'C' and Group 'D' employees. We accordingly find no merits in the application. In the circumstances, the application is dismissed. No order as to costs.


(B.N. JAYASIMHA)
Vice-Chairman


(D. SURYA RAO)
Member (J)

Dated: 15th October, 1990.
Dictated in Open Court.


Deputy Registrar (Judl)

To avl/

1. The Secretary, Ministry of Surface & Transport, Govt. of India, New Delhi.
2. The Director General of Shipping, Jahaj Bhavan, Walchand Heerachand Marg, Bombay.
3. The Principal Officer, Mercantile Marine Depot, Anchor Gate Building, Rajaji Salai, Madras.
4. The Surveyor-in-charge, Mercantile Marine Department, Post Box No. 124, 124 port Area, Vizag 35.
5. The Regional Officer (Sails) Tuticorn, Post Area, Tuticorn, Tamilnadu.
6. One copy to Mr. C.R.S. Raju, Advocate, 58-2-197, Butchirajupalem, visakhapatnam.
7. One copy to Mr. N. Bhaskara Rao, Addl. CGSC. CAT. Hyd. Bench.
8. One spare copy.

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APPROVED BY
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

THE HON'BLE MR. D. SURYA RAO : M(J)
AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)
AND

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

DATE: ~~24-9~~ 15/10/90

ORDER / JUDGEMENT:

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

T.A. No.

W.P. No.

O.A. No.

452/90

Admitted and Interim directions
issued.

Allowed.

Dismissed for default.

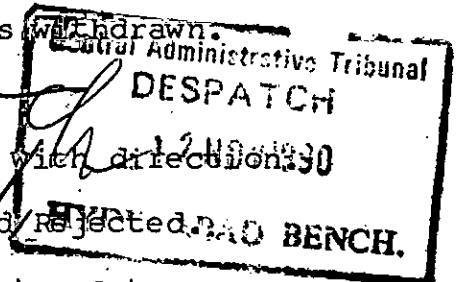
Dismissed as withdrawn.

Dismissed.

Disposed of with directions

M.A. Ordered / Rejected. **HYD. BENCH.**

No order as to costs.



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