

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. O.A. 313/91
T.A.No.

Date of Decision : 1-4-1991

N.Ganesh Patro

Petitioner.

Shri T.Jayant

Advocate for the
petitioner (s)

Versus

Union of India, rep. by Secretary,
Min. of Communications, New Delhi
and 4 others

Respondent.

Shri N.R.Devaraj, Addl.CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. B.N.Jayasimha, Vice-Chairman

THE HON'BLE MR. J.Narasimha Murthy, Member (Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgement? *no*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgment? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal? *no*
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

BNI
HVC

HJNM
HJNM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.313/1991

Date of order: 1-4-1991.

Between

N.Ganesh Patro

... Applicant

and

1. Union of India, rep. by the
Secretary, Min. of Communications,
New Delhi-1.
2. Chief Post Master General,
Andhra Pradesh Circle, Hyderabad-1.
3. Post Master General,
Visakhapatnam Region, Visakhapatnam-20.
4. Superintendent of Post Offices,
Vizianagaram Dn., Vizianagaram.
5. Y.Kondala Rao

... Respondents

APPEARANCE:

For the applicant

: Shri T.Jayant, Advocate

For the Respondents 1 to 4

: Shri N.R.Devaraj, Addl.CGSC

CORAM:

The Hon'ble Shri B.N.Jayasimha, Vice-Chairman

The Hon'ble Shri J.Narasimha Murthy, Member (Judicial)

O R D E R

(of the Bench delivered by the Hon'ble Shri B.N.Jayasimha, V.C.)

The applicant, an Assistant Superintendent of Post Offices, at Vizianagaram has filed this Application seeking a direction to the Respondents to transfer him as A.S.P.O. in the Office of the Post Master General, Visakhapatnam in the ensuing vacancy arising on the promotion of one Shri D.Moses and to declare the earlier proceedings No.ST/22-75/IV dt.6-9-90 passed by the 3rd Respondent in so far as posting the 5th Respondent to Visakhapatnam in the vacancy of Shri D.Moses, as illegal, null and void.

2. The applicant states that while he was working as Assistant Superintendent of Post Offices (ASPOs) at Visakhapatnam, he was transferred to Vizianagaram where he is working since April 1990. Since his wife is working in the Zilla Parishad at Visakhapatnam and his children are at Visakhapatnam, he had made a representation dated 31-8-1990 to the Post Master General, Visakhapatnam to post him to Visakhapatnam in the ensuing vacancy arising due to promotion of Shri D.Moses, ASPOs. He had also expressed his willingness to join at Visakhapatnam without TA and TP. However, the 3rd Respondent passed orders dated 6-9-90 inter alia transferring one Shri Y.Kondala Rao, the 5th Respondent herein in the vacancy caused by the relief of Shri D.Moses on promotion. Aggrieved by the said order dated 6-9-90, the applicant made a representation on 23-10-90 to the Chief Postmaster General, Andhra Pradesh, Circle, Hyderabad, the 2nd Respondent herein. The applicant was subsequently informed that his request for transfer to Visakhapatnam had been noted in the request register. Subsequently, Shri D.Moses rejoined his old post of ASPO at Visakhapatnam due to postponement of his promotion. The applicant has made another representation on 8-2-91 requesting the 3rd Respondent to consider his case for transfer to Visakhapatnam in the next available vacancy. As he later learnt that Shri D.Moses is likely to be relieved again on promotion very shortly, he made another representation dated 22-3-1991 to the 3rd Respondent specifically requesting him to transfer him to Visakhapatnam in the vacancy being caused due to relief of Shri D.Moses. The applicant states that he apprehends that the administration is prejudiced against him and since the proceedings dated 6-9-90 transferring the 5th Respondent to Visakhapatnam still holds good, his case will not be considered for transfer to Visakhapatnam. Therefore, the applicant preferred this O.A.

3. We have heard the learned counsel for the applicant Shri T.Jayant and Shri N.R.Devaraj, Addl.C.G.S.C. at the admission stage. The applicant is seeking a direction to the Respondents to post him to Visakhapatnam in the vacancy being caused by Shri D.Moses on his ensuing promotion, which in fact is yet to arise. The applicant has also made a representation to the authorities on 22-3-1991 and without waiting for any reply thereto he has simultaneously approached this Tribunal by way of this O.A. Transfer is an incidence of service and it is for the administrative authorities to decide who should be transferred according to administrative exigencies. It is for the administrative authorities to consider the representation of the applicant and to decide thereon. The application is, therefore, clearly premature and has to be dismissed on that ground itself. Accordingly the O.A. is dismissed as premature. No costs.

B.N. Jayasimha
(B.N. Jayasimha)
Vice-Chairman

J.N. Narasimha Murthy
(J.Narasimha Murthy)
Member (Judl.)

(Dictated in open court)

vsn/mhb

D. S. S. S.
8/12/91.
DEPUTY REGISTRAR (JUDL)

TO:

1. The Secretary, (Union of India) Ministry of communications, New Delhi-1.
2. The Chief Post Master General, Andhra Pradesh Circle, Hyderabad-1.
3. The Post master general, visakhapatnam region, visakhapatnam-20.
4. The Superintendent of post offices, vizianagaram division, vizianagaram.
5. One copy to Mr. T. Jayant, Advocate, CAT., Hyderabad.
6. One copy to Mr. N. R. Devaraj, SC for Rlys., CAT, Hyderabad.
7. One copy to Hon'ble Mr. J. Narasimha Murthy, Member: (J) CAT., Hyderabad.
8. One sparecopy.

...

kj.

7/12/91

ASR
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TYPED BY 502

COMPILED BY

CHECKED BY 8/12/91

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

THE HON'BLE MR. B. N. JAYASINHA: V.C.

AND

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

AND

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

AND

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

DATED: 12/4-1991. ✓

~~ORDER~~ JUDGMENT.

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

T.A. No.

W.P. No.

O.A. No. 313/91

Admitted and Interim directions
issued.

Allowed.

Disposed or with direction.

Dismissed. ✓

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

