

(29)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 563/91.

Date of Decision : 30-5-91.

T.A.No.

Petitioner.

Advocate for the
petitioner (s)

Versus

Respondent.

Advocate for the
Respondent (s)

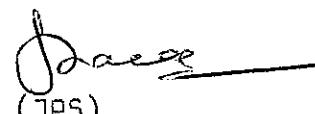
CORAM :

THE HON'BLE MR. B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE MR. J.P.SHARMA : 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)


(B.N.J)
VC


(J.P.S)
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA No.563/91.

Date of Order:30-5-1991.

P.Sivarama Krishna

....Applicant

Vs.

1. Chief Engineer,
Southern Command, Pune.
2. Chief Engineer,
Drydock, Visakhapatnam Zone,
Visakhapatnam - 530 008.
3. Assistant Garrison Engineer (Independent),
Vany, Bhimunipatnam - 531 163,
Visakhapatnam District.

....Respondents

- - - - -

Counsel for the Applicant : Shri E.Madan Mohan Rao

Counsel for the Respondents : , Shri N.V.Ramana, Addl.CGSC

- - - - -

CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE SHRI J.P.SHARMA : MEMBER (JUDICIAL)

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

- - - - -

The applicant is a Superintendent in the office of the Assistant Garrison Engineer, Visakhapatnam. In this application he questions the proceedings No.132401/1/Tenure/EIB(S) dt.11-3-91 issued by the Chief Engineer, Southern Command, Pune transferring him from Bhimunipatnam to Bolangir.

2. The applicant states that he was initially appointed as Superintendent at Port Blair. He worked there till 1972

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and subsequently he was transferred to Visakhapatnam, where he was working since November, 1972. The applicant was transferred to Bhimunipatnam on 26-7-90. While this was so, the 2nd Respondent in his proceedings No.132401/1/Tenure/EIB(S) dt.11-3-91 issued orders transferring the applicant from Bhimunipatnam to Bolangir. He contends that two transfers within a period of nine months is contrary to the transfer policy. No administrative reasons have been given. He also states that he was chosen as Secretary to the M.E.S. Employees' Cooperative House Building Society and in that capacity he has undertaken a number of agreements with respective land owners for the purchase of more than 44 acres of land to be allotted to the members of the Society to build their own houses. He has already completed Phase-I and Phase-II and 170 members have been allotted plots. There are many more sale transactions to be completed with the vendors of land on behalf of the Society and the transfer of the applicant will hamper the process of purchase of land and allotment of the same. The applicant had made a representation to the 1st Respondent requesting to consider the involvement of the applicant in the society as a welfare measure and ~~asked to defer his transfer for one more year. The society also made a representation to the authorities in this behalf.~~ ^{requested to defer}

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3. The applicant also states that he has also brought to the notice of the authorities that he is being transferred now to Bolangir which is an unpopular and hard tenure station. According to the instructions, an employee will be transferred and posted in an hard station for one tenure only. As the applicant had worked at Port Blair which is a hard station and subsequently worked at Visakhapatnam which was declared as hard station till 1989, he has completed most of his service in ~~the~~ hard stations only. Therefore it is contended that the transfer again to a hard station is contrary to the instructions. The applicant further states that although he made a representation, it has not been disposed of by the Respondents. He will be relieved on 31-5-91. Hence he has filed this application.

4. We have heard Shri E.Madan Mohan Rao, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the Respondents, who takes notice at the admission stage at out instance. The main contentions of the applicant are (1)that the applicant has already completed his tenure in hard station i.e. in Port Blair and Visakhapatnam; (2) the present impugned order is the 2nd transfer order within a period of nine months; (3)his transfer will jeopardise the interests of the MES Employees' Cooperative House Building Society, for which he has been selected as Secretary. ~~The~~ ⁱⁿ ~~the~~ ^{the}

To

1. The Chief Engineer,
Southern Command, Pune .
2. The Chief Engineer, Drydock,
Visakhapatnam Zone,
Visakhapatnam - 8
3. The Assistant Garrison Engineer (Independent)
Vany, Bhimunipatnam - 531 163,
Visakhapatnam Dist.
4. One copy to Mr. E.Madanmohan Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One spare copy.

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representation dt.nil, March 1991, the applicant had only sought for deferment of his posting to Bolangir because of his involvement with the activities of the housing society. The applicant had not urged the points now made in the application i.e. he had completed the hard station tenure. It is for the applicant to make a representation to the authorities concerned in regard to the completion of his hard station tenure and seek redressal in the first instance. In regard to his activities as Secretary to the Housing Society, it is for the Administrative Authorities to consider and pass appropriate orders. The applicant has first to make a proper representation to the authorities concerned for redressal of his grievances so that the authorities may consider them and pass appropriate orders. This application is therefore premature. This view is/^{also} supported by the decision of the Supreme Court rendered in Gujarat Electricity Board Vs. Atmaram Sungomal Poshani (AIR 1989 SC 1433). In these circumstances we find no justification to intervene in this case and accordingly the application is dismissed. No order as to costs.

B.N.Jayashimha
(B.N.JAYASIMHA)
Vice-Chairman

J.P.Sharma
(J.P.SHARMA)
Member (J)

Dated: 30th May, 1991.
Dictated in Open Court.

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Deputy Registrar (J)

(3) *RVS*
12/6/91

TYPED BY *20/1*

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDRAABAD BENCH: HYDERABAD

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

AND *P. Sharma*

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

AND

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

AND

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

DATED: 30 *6* 1991.

ORDER / JUDGMENT.

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

T.A. No. in
W.P. No.

O.A. No. 563/91

Admitted and Interim directions issued.

Allowed.

Disposed of with direction.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered / Rejected.

No order as to costs.

