

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A. No. 584 of 1991

Date of order: 10-7-1991.

Between

K.Ganga Raju

... APPLICANT

A N D

1. Union of India, rep. by the
Secretary, Min. of Defence, New Delhi.
2. Scientific Adviser to
Minister of Defence and Director General
of Research and Development Organisation,
HQ P.O., New Delhi-11.
3. Director,
Defence Electronics Research
Laboratory (DLRL), Hyderabad-5.
4. C.P.Raman,
Sr.Stores Officer Gr.II,
D.L.R.L., Hyderabad-5.

... RESPONDENTS

Appearance

For the applicant : Shri T.Jayant, Advocate

For the Respondents 1-3 : Shri N.R.Devaraj, Addl.CGSC

Coram:

The Hon'ble Justice Kamleshwar Nath, Vice-Chairman

J U D G M E N T

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant seeks a direction for his posting as Senior Stores Officer Gr.II in the D.L.R.L., Hyderabad to which post the Respondent-4 Shri C.P.Raman has been posted by the impugned promotion order dated 8-3-1991 of the 2nd Respondent.

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2. The learned counsel for the Applicant refers to the Promotion Panel dated 14-2-1991 circulated by the Respondent No.2 in which the applicant is placed at Serial No.2 whereas the Respondent No.4 is placed at Serial No.4, for promotion from the post of Stores Officer to the post of Senior Stores Officer, Gr.II. By means of the impugned promotion order dt. 8-3-91, while the applicant has been transferred on promotion to Pune, the Respondent No.4 who is already working at Hyderabad as a Stores Officer, has been retained at Hyderabad also as Senior Stores Officer Gr.II. The contention of the learned counsel for the applicant is that since in the panel dated 14-2-91 the applicant stands senior to Respondent No.4, the direction to transfer the applicant who is also presently working as Stores Officer at Hyderabad to go to Pune while retaining the Respondent No.4 at Hyderabad constitutes discrimination under Articles 14 and 16 of the Constitution of India.


3. Shri N.R.Devaraj, learned Addl.CGSC has appeared on behalf of the Respondents 1 to 3. He contests the case by pointing out that in posting and transfer policy there is no legal right for any employee to be retained at a particular place. The learned counsel for the applicant concedes that there is no rule that a person at a senior position in a panel is entitled to be retained at a station of his choice and that another person at a lower position must be shifted ^{to} outside.

contd...

Transfers and postings are incidents of service and unless it is shown that there is some violation of some statutory rule or that there are malafides or other like reasons, the Department's right to give a posting or transfer at a particular place is not open to question before the Tribunal.

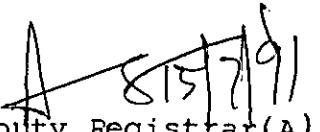
4. I do not think that Articles 14 and 16 of the Constitution have any application to the question of transfers and seniority has never been recognised to create a right of priority in postings.

5. The Application has no substance, as such the O.A. is dismissed. No order as to costs.


(Kamleshwar Nath)
Vice-Chairman.

Dated: 10th day of July, 1991.

(dictated in open court)


Deputy Registrar(A)

To

1. The Secretary, Union of India,
mhb/ Ministry of Defence, New Delhi.
2. The Scientific Adviser to Minister of Defence and
Director General of Research and Development Organisation,
DHQ P.O., New Delhi-11.
3. The Director, Defence Electronics Research
Laboratory (DERL) Hyderabad-5.
4. One copy to Mr.T.Jayant, Advocate, CAT.Hyd.Bench.
5. One copy to Mr.N.R.Devraj, Addl.CGSC. CAT.Hyd.
6. One spare copy.

pvm

ASR
14/6/91 (3)

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. Justice. Kanialashwari V.C.
-AND-

THE HON'BLE MR.

M(J)

-AND-

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

AND

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

DATED: 10-7-1991

ORDER/JUDGMENT

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

in

D.A. No. 584/91

T.A. No.

(W.P. No. _____)

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.

