

56

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.1007/91.

Date of Judgment 7-4-92

A.Mohan Rao

.. Applicant

Vs.

1. The Director,
National Sample Survey Orgn.,
R.K.Puram, New Delhi.
2. The Regl. Asst. Director,
National Sample Survey Orgn.,
Field Operations Division,
A.P.East Region, Bundar Rd.,
Vijaywada.
3. The Superintendent,
Sub-Regional Office,
National Sample Survey Orgn.,
Field Operations Division,
Mallaiah Agraaharam,
Kakinada.
4. P.V.R.Prasad,
Regl. Asst. Director,
A.P.East Region, Bundar Rd.,
Vijaywada. .. Respondents

Counsel for the Applicant : Shri N.Rama Mohan Rao

Counsel for the Respondents : Shri N.Bhaskara Rao,
Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri T.Chandrasekhar Reddy : Member(J)

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(A).I

This application has been filed by Shri A.Mohan Rao under section 19 of the Administrative Tribunals Act, 1985 against the Director, Field Operations Division, National Sample Survey Organisation (N.S.S.O. for short) New Delhi & 3 others, praying for a direction to quash the Office Order No.1(2)/Estt/91 dt. 25.9.91 transferring the applicant from Kakinada to Nizamabad.



- 2 -

2. The applicant joined the N.S.S.O. after being declared surplus in the Dandakaranya Project which he served for over 22 years. He was initially posted at Vijaywada and later, on his request was posted to the Sub-Regional Office at Kakinada in September, 1985. Besides him, there are 4 other Investigators in the Kakinada unit. It is his case that by ~~virtue~~ ^{the nature} of the duties he has to perform he should be continued at Kakinada itself in the interest of ~~service~~ Administration. However, due to soured relationship, the 2nd respondent had been creating problems for him in the form of non-settlement of T.A. bills. It is his charge that while T.A. bills of similar Investigators like him are passed without much difficulty, obstacles are created only in the case of his T.A. bills. He complained to the higher authorities against this and, according to him, this further antagonised the 2nd respondent. It is his case that ~~as a result of this~~ ^{this} annoyance with him ~~it~~ led to the impugned order transferring him from Kakinada to Nizamabad.

3. The respondents have filed a counter affidavit and oppose the application. It is their case that he belongs to a transferable category and the scrutiny of tour T.A. bills which is a routine should not be considered as harassment. In his case a number of clarifications were necessary and they had to do it as a routine in the normal course. It is also pointed out that in his representations he has been using intemperate language unbecoming of a Govt. servant. It is also claimed that they can use his services better at Nizamabad than at Kakinada and hence the transfer was ordered in the interest of service.

4. Respondent No.4 Shri P.V.R.Prasad has also filed a counter affidavit which is ~~also~~ more or less on the same lines as the other counter affidavit.

5. We have examined the case and heard the rival sides.

The main grounds on which the applicant relies are:

- (a) That his continuance in Kakinada will serve the ----- of the Department better.
- (b) That there are no Administrative interests in his transfer from Kakinada to Nizamabad.

6. In addition to the above, at the time of hearing the learned counsel for the applicant Shri N.Rama Mohan Rao questioned the competence of the authority who had issued the transfer order. The order dt. 25.9.91 is issued by the Asst. Director (East) posting him to the other Sub-Regional Office at Nizamabad. It is his case that if anybody is to order it should be an authority who is superior to both the Regl. Asst. Directors at Vijaywada and Nizamabad. We do not accept this contention because in the first instance transfer is not a statutory subject and so long as the competent authority has approved, anybody subordinate to him can issue the order of transfer. It is seen from the transfer order that copies of these ^{order} are endorsed to the higher officials, the Joint Director at Bangalore and the Director himself at Delhi. Further, it is seen from the records submitted by the learned counsel for the respondent Shri N.Bhaskara Rao that the Asst. Director at Vijaywada had already reported on the conduct of the applicant to the Chief Administrative Officer, N.S.S.O. New Delhi attached to the Director. It is also further seen that the powers to transfer from one unit to another had been delegated to the local authorities by mutual consultation and consent (letter dt. 16.5.81 issued by the Director, N.S.S.O.).

If anybody is to take exception to such a transfer it is the peer at Nizamabad end. He has not done that because the transfer has been settled in consultation with him and with his consent. Moreover, if the superior officers wanted, they could have rescinded the transfer order. They have chosen to do so. From all this it can be seen that it ha

W

.....

tacit
the *approval* of all the higher-ups.

7. The other question before us is whether the transfer was in Administrative interest. We find from a correspondence from the Regl. Asst. Director, Vijaywada to the Chief Administrative Officer, N.S.S.O. New Delhi strongly *commenting* *recommending* about the conduct of the applicant. A clear opinion has been expressed therein that his continuance at the Sub-Regional Office at Kakinada is likely to subvert discipline in that office and, therefore, the transfer of the official out of Kakinada to the Sub-Regional Office at Nizamabad was considered necessary.

~~On the basis of the above facts~~
We do not have any other material to *show* ~~prove~~ that the transfer was not in the interest of Administration. Such being the case and in the light of a number of decisions both by this Tribunal and by the Hon'ble Supreme Court we do not find any scope to interfere and we accordingly dismiss the application with no order as to costs.

R.Balasubramanian

(R. Balasubramanian)
Member(A).

T.C. Reddy

(T. Chandrasekhar Reddy)
Member(J).

U
Dated: 7 April, 1992.

82/1992
Deputy Registrar (Judl.)

Copy to:-

1. The Director, Field Operations Division, National Sample Survey Organisation, R.K.Puram, New Delhi.
2. The Regional Assistant Director, National Sample Survey Organisation, Field Operations Division, A.P. East Region, Bundar road, Vijayawada.
3. The Superintendent, Sub-Regional Office, National Sample Survey Organisation, Field Operations Division, Mallaiyah Agraharam, Kakinada.
4. Sri. P.V.R.Prasad, Regional Assistant Director, A.P. East Region, Bundar road, Vijayawada.
5. One copy to Sri. N.Ram Mohan Rao, advocate, CAT, Hyd.
6. One copy to Sri. N.Bhaskara Rao, "dil. CGSC, CAT, Hyd.
7. One spare copy.

Rsm/-

10/2/1992

1007/91

O.A. 1007/91

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

RVS
23/4

THE HON'BLE MR.

V.C.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (JUDL)

AND

THE HON'BLE MR. C.J. ROY : MEMBER (JUDL)

Dated: 7/4/1992.

ORDER / JUDGMENT

R.A./C.A./M.A. NO.

O.A. No.

in
1007/91

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Disposed of with directions

Dismissed

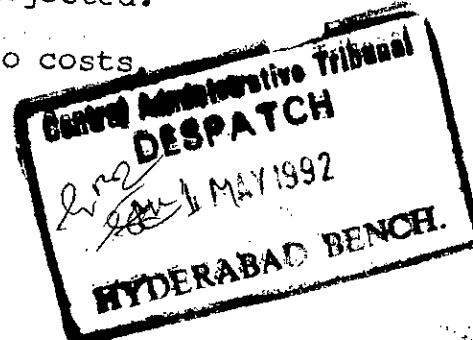
Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

✓



pvm