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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1068/91

DATE OF JUDGEMENT: 9.1.1992

BETWEEN

Mr. A.V. Sivaiah

.. Applicant

AND

Chief General Manager,
Telecom, Andhra Circle,
Hyderabad

.. Respondent

COUNSEL FOR THE APPLICANT: Mr. D. Govardhanachary

COUNSEL FOR THE RESPONDENT: Mr N. Bhaskara Rao, Addl. CGSC

CORAM

HONBLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN)

HONBLE SHRI T. CHANDRASEKHAR REDDY, MEMBER (JUDICIAL)

T. S. R.

JUDGEMENT OF THE DIVISION BENCH DELIVERED BY THE
HON'BLE SHRI T. CHANDRASEKHAR REDDY
MEMBER (JUDICIAL)

This application is filed under Section 19 of the Administrative Tribunals Act, 1985, challenging the order of Chief General Manager, Telecom AP, Hyderabad as per Lr.No.TA/24-2 dated 3.6.91 transferring the applicant from the office of the Carrier Station, Telecom Exchange, Chilakaluripet in Guntur Division to Kamareddy in Nizamabad Division.

The facts giving rise to this application in brief are as follows:

1. The applicant is working as Transmission Assistant in the Office of the Carrier Station, Telecom Exchange, Chilakaluripet, Guntur District for the last 4 years. As per the order dated 3.6.1991, the applicant along with some others was transferred with immediate effect to various divisions in different places. The applicant herein, in the said transfer order, had been transferred from Chilakaluripet in Guntur Division to Kamareddy in Nizamabad Division.

The said transfers had been effected as there were surplus transmission assistants on the respective divisions/stations.

The case of the applicant is that his transfer is arbitrary and not valid.

2. Counter is filed by the respondents opposing the said application.

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3. It is the case of the applicant that he is not the junior most official working in the said division who had to be transferred but there were three more Transmission Assistants ^{on his division} who were junior to the applicant and so accordingly, ~~the applicant decided that~~ his transfer from Chilakaluripet to Kamareddy is arbitrary and not valid.

4. In para 7 of the counter, it is pleaded as follows by the respondents.

".....Accordingly, two posts of Transmission Assistants became surplus at Chilakaluripet. Sri A.V.Sivaiah and Sri T.Venkata Rao were the junior most T.As at Chilakaluripet as per the Gradation List. As such, they were transferred from Chilakaluripet to the places where their services are needed. Their transfers are ordered within the area of their transfer liability. It is further submitted that the transfer of the applicant is in accordance with the Dept of Telecom New Delhi lr.No.256/25/86-STN dt.25.11.88. The transfer of the applicant to Kamareddy from Chilakaluripet is only for a period of 2 years and the applicant is likely to be transferred to the place of his choice or to any nearer place. The contention of the applicant that one person in each station is identified as surplus is not correct. The surplus staff was declared on the basis of justification and more than one person was transferred out of a single station. Accordingly, S/s A.V.Sivaiah and T. Venkat Rao were transferred out of Chilakaluripet. As such, need for revising the order to retain the applicant at Chilakaluripet does not arise."

It is also pleaded by the respondents in para 2 of the Counter as follows:

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"... that a policy decision was taken at the meeting held between the staff Federation and the Administration on 30.5.1991 to transfer the surplus Transmission Assistants from Coastal Districts to Telengana areas and it was also agreed in the above meeting to identify the junior most at the station as surplus and transfer them out of that station.

5. In view of the pleas that are raised in the Counter, we thought it fit to send for the Seniority List of the Transmission Assistants working at Chilakaluripet in Guntur Division.

6. It is seen from the Seniority list that three more juniors are there to the applicant, as is evident from the Seniority List.

"Sr.Nos.	Name of the Official	Remarks
1.	S/Shri M.Ch.Mastan Rao	1985 Gradation List
2.	P.V. Bogeswara Sarma	-do- 1
3.	E.Brahmaiah	-do- 1
4.	A.V.Sivaiah	Confirmed
5.	T.Venkata Rao	Yet to be confirme
6.	A. Satyanarayana	-do-
7.	MV Nageswara Rao	-do- "

No doubt from the above seniority list that Shri T. Venkata Rao who is at Sr.No.5, being junior to the applicant had been transferred. But, S/Shri A. Satyanarayana and MV Nageswara Rao who are at Sr.Nos. 6 & 7 have been left out untouched but are retained at the Chilakaluripet itself, even though they are juniors to the applicant.

7. The retention of the said juniors in the Chilakaluripet ~~and if~~ transfer of the applicant who is senior to them, appears to be against the policy decision said to have been taken at the meeting held on 30/5/91 between the staff Federation and Administration.

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Besides there is no plea as seen from the Counter of the respondents, on what grounds the juniors to the applicant viz., S/Shri A. Satyanarayana and MV Nageswara Rao were retained at the Chilakaluripet itself.

After going through the relevant material and pleadings of the respondents, we do not have any hesitation to hold that the action of the respondents in the transfer of the applicant from Chilakaluripet to Kamareddy is arbitrary and not valid. Hence, the transfer of the applicant from Chilakaluripet to Kamareddy is liable to be set aside.

8. In the result, the order of the Chief General Manager, Telecom, Hyderabad No.TA/STA/24-2 dated 3.6.91 transferring the applicant from Chilakaluripet at Guntur Division to Kamareddy under Nizamabad Division is set aside and the application is allowed. In the circumstances of the case, we make no orders as to costs.

R. Balasubramanian

(R. BALASUBRAMANIAN)
Member (Admn)

T. Chandrasekhar Reddy

(T.CHANDRASEKHAR REDDY)
Member (Judicial)

Dt.: 9 Jan., 1992 Dy.Registrar(J)

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To

1. The Chief General Manager, Telecom
Andhra Circle, Hyderabad.
2. One copy to Mr.D.Govardhanachary, Advocate, 1-1-80/20
R.T.C.S.Road, Hyderabad.
3. One copy to Mr.N.Bhaskar Rao, Addl.CGSC. CAT.Hyd.
4. One spare copy.

pvm

*Copy
Done
10/1/92*

ASR
12/19

TYPED BY
CHECKED BY.

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR.~~

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

AND

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

AND

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

DATED: 9 - 1 - 1992

ORDER/JUDGMENT:

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

in

O.A.No. 1068 / 91

T.A.No.

(W.P.No.)

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default.

M.A. Ordered/ Rejected

No order as to costs.

