

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1013/92

Date of Order: 31.3.1993

BETWEEN :

V.Venkataramana

.. Applicant .

A N D

Senior Deputy General Manager,
South Central Railway,
Secunderabad.

Senior Divisional Personnel Officer,
South Central Railway,
Guntakal.

.. Respondents.

Counsel for the Applicant

.. Mr.V.Krishna Rao

Counsel for the Respondents

.. Mr.D.Gopal Rao

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER(JUDL.)

T - C. n

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Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.)

This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents to set aside the order dated 18.9.92 transferring the applicant as a Gangman from Markapur (Andhra Pradesh) to Krishna (Karnataka State).

The applicant is working as Senior Gangman at Markapur under permanent way Inspector, Giddalur. As the applicant is transferred as per the orders dated 18.9.92, from Markapur (Andhra Pradesh) to Krishna (Karnataka State) the present OA is filed questioning the said transfer order.

Counter is filed by the respondents to the OA. In the counter, it is maintained that the OA is not maintainable as the same is pre-mature. As the applicant has not made a representation against the impugned order to the higher authorities, and as the applicant has not exhausted the alternative remedy it is contended that the application is liable to be dismissed.

We have heard Mr V.Krishna Rao, Advocate for the applicant and Mr D.Gopal Rao, Standing Counsel for the respondents.

The Bench is fully aware of the fact that the transfer of a Government employee from one place to another is an incident of service. We have got a case on hand ~~is~~ of a Gangman who is one of the lowest paid employee in the railways who is transferred from Markapur to Krishna. Naturally, his transfer on whatever grounds it might be from Markapur (Andhra Pradesh) to Krishna (Karnataka State) should be causing him certain hardship. But, by the by, we make it clear that the respondents have got every power and authority on

Copy to :-

1. Senior Deputy General Manager, South Central Railway, Secunderabad.
2. Senior Divisional Personnel Officer, South Central Railway, Guntakal.
3. One copy to Sri. M.Krishna Rao, advocate, CAT, Hyd.
4. One copy to Sri. D.Gopal Rao, SC for Rlys, CAT, Hyd.
5. One spare copy.

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administrative grounds to effect such transfers. We leave it as it is.

As already pointed out the contention of the respondents that the applicant has approached this Tribunal without exhausting the alternative remedy available to him. In view of this position, we are of the opinion that it would be fit and proper to dispose of this O.A. by giving appropriate directions.

Hence, we direct the applicant to make a representation with regard to his transfer order dated 18.9.1992 from Markapur (Andhra Pradesh) to Krishna (Karnataka State) within one week from today (31.3.1993) to the competent authority. If such representation is made by the applicant, the competent authority shall receive the same and shall pass final orders at the earliest possible opportunity.

Further, as an interim measure we suspend the operation of the said impugned order dt. 18.9.1992 transferring the applicant from Markapur (Andhra Pradesh) to Krishna (Karnataka State) until final orders are passed on the representation of the applicant by the competent authority. If the applicant fails to make a representation within one week as afore-said the transfer orders dt. 18.9.1992 shall stand.

T. Chandrasekara Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 31st March, 1993

(Dictated in Open Court)

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. R. BALASUBRAMANIAN
MEMBER (ADMN)

AND

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

DATED: 31/3/-1993

ORDER/JUDGMENT

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

in

O.A.No.

1013/92

T.A.No. (W.P.No. →)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

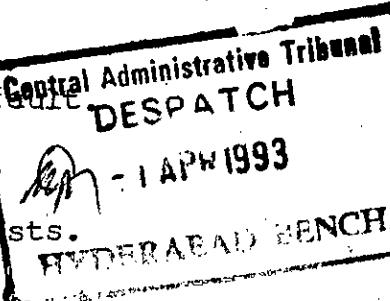
Dismissed as withdrawn.

Dismissed

Dismissed for default

Ordered/Rejected

No order as to costs.



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