

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.677/92

Date of order: 24th August '92

BETWEEN:

T. Man Mohan Singh

.. Applicant.

A N D

1. The Union of India,
rep. by its Secretary,
Telecommunications Dept.,
New Delhi.

2. The Chief Superintendent,
Central Telegraph Office,
Hyderabad, at Abids,
Hyderabad City.

.. Respondents.

Counsel for the Applicant

.. Mr. A. M. Srinivasaranga-
Chary.

Counsel for the Respondents

.. Mr. N. R. Devraj, Sr. C. S.

CORAM:

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

(Order of the Single Member Bench delivered by

Hon'ble Shri T. Chandrasekara Reddy, Member (Jud. L.)).

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This is an application filed under section 19 of the Administrative Tribunals Act to quash the transfer order of the applicant dated 8-8-1992 transferring the applicant from outdoor CTO, Hyderabad to DTO, Hyderabad, Jubilee Hills.

Counter is filed by the respondents ~~to oppose~~ the admission of this OA.

2. We have heard today Mr. A.M. Srinivasaranga Chary, Advocate for the Applicant and Mr. N.R. Devaraj, Standing Counsel for the respondents.

3. Straightaway we may refer to the decision of the Supreme Court reported in AIR 1991 SC page 532 in Mrs. Shilpi Bose and others, Appellants V. State of Bihar and others, Respondents, wherein it is laid down as follows :

"In our opinion, the courts should not interfere with a transfer order which are made in public interest and for administrative reasons unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of malafide. A Govt. servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer orders issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders, the Court ordinarily should not interfere with the order. Instead affected party should approach the higher authorities in the Department. If the Courts continue to interfere with day-to-day transfer orders issued by the Govt. and its subordinate authorities, there will be complete chaos in the Administration which would not be conducive to public interest."

4. As could be seen from the impugned order the said transfer of the applicant is done in the interests of service. Due to the exigency of service, the said transfer order is passed. So, it is not open for this Tribunal to interfere with the said transfer in view of the Judgement of the Supreme Court. We have also gone carefully through the allegations in the OA. In para 'C' of the OA it is pleaded that the said transfer of

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the applicant is politically motivated and the said transfer is made with a view to harass him to deprive his services to the union. This is not a case where the applicant is transferred out side the corporation limits of Hyderabad. Transfer is only within the Hyderabad city limits. If the transfer of the applicant is politically motivated as contended by him then the transfer of the applicant would not have been within the city but it would have been outside the city. So, we are not in agreement with the contention of the learned counsel that the transfer of the applicant is motivated and the same is done as a measure of punishment to him. We see no merits in this OA and hence this OA is rejected under the provisions of the 19(3) of the Administrative Tribunals Act, summarily.

5. Mr. A.M. Srinivasaranga Chary, for the applicant contended that the applicant may be permitted to put in a representation to the higher authorities for redressal of his grievance with regard to his transfer. It is ~~also~~ ^{always} open to the applicant to approach the competent authority for redressal of any of his grievance if he is so advised and it is not at all necessary for the applicant to seek the permission of this Tribunal for the same.

6. The OA is rejected leaving the parties to bear their own costs.

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

Dated : 24th August, 92
(Dictated in the Open Court)

815/9/92
Deputy Registrar(J)

To

1. The Secretary, Union of India, Telecommunications Dept. New Delhi.
2. The Chief Superintendent, General Telegraph Office, Hyderabad, at Abids, Hyderabad.
3. One copy to Mr. A.M. Srinivasaranga Chary, Advocate 3-4-1005/5, Barkatpura, Hyderabad.
4. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
5. One spare copy.

pvm.

30th Aug 1992
15/10/92

TYPED BY

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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 24-8 - 1992

ORDER / JUDGMENT

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

in

O.A.No. 677/92

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 orders as to costs.

pvm.

