

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

25-9-'92.

C.A.No.685/92

Date of Order: 25.9.1992

BETWEEN:

G.Siddiramaiah

.. Applicant.

A N D

1. The Chief General Manager,
Telecommunications,
Nampally Road, Hyderabad.2. The Telecom District Manager,
Telecommunications,
Tirupati Division,
Tirupati.3. Sri M.Koteswara Rao,
Telephone Operator,
Telephone Exchange,
Chittoor.

.. Respondents.

Counsel for the Applicant

.. Mr.T.Lakshminarayana

Counsel for the Respondents

.. Mr.V.Rajeswara Rao
for
Mr.N.V.Ramana

CORAM:

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

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

T.C.R.

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This is an application filed by the applicant herein under Section 19 of the Administrative Tribunals Act to direct the respondents to set aside the transfer order of the Second respondent dated 9.6.92 with regard to the applicant, transferring the applicant from Tirupathi to Chittoor.

The facts giving raise to this OA in brief are as follows:

The applicant is working as Telephone Operator at Tirupathi since 1989. The applicant is transferred from Tirupathi to Chittoor by the Second respondent as per his orders dated 9.6.92 to accommodate the 3rd respondent on immunity grounds that the 3rd respondent was elected as District Treasurer of a Trade Union. It is the case of the applicant that he has not completed even 4 years at Tirupathi and as his children are studying in Tirupathi and he has got an aged mother who is suffering from heart complaint that is very inconvenient for him to leave Tirupati and hence, this OA is filed for the relief as already indicated above.

Today we have heard Mr T.Lakshminarayana, Advocate for the applicant and Mr V. Rajeswara Rao for Mr NV Ramana Standing Counsel for the respondents.

Mr V. Rajeswara Rao filed today before this Tribunal a copy of the instructions received from the Department. A copy of the same is served on the counsel for the applica

The impugned order dated 9.6.92 is attacked mainly on the following grounds:

1. The second respondent ought to have ~~xxxx~~ seen there are juniors in the Tirupati station in the list of staff working at Tirupati station and ought to have trans

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either long standing or the junior most at Tirupati station to accommodate the 3rd respondent coming on immunity grounds.

2. The pick and choose method followed by the second respondent is arbitrary and cannot stand the judicial scrutiny.

3. The respondent ought to have seen that junior most Sri Venkat Rao ought to have been considered to accommodate the third respondent.

4. The second respondent ought to have followed the first come first go principle in the absence of guidelines to extend the benefit of immunity.

In view of the contentions raised in OA, it would be fit and proper to refer to a decision reported in AIR 1991 SC 532 Shilpi Bose Vs State of Bihar and others respondents. It will be pertinent to extract para 4 of the Judgement of the Hon'ble Supreme Court which is 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 of violation of any mandatory statutory rule or on the ground of malafide. A government 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 courts 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 Government and its sub-ordinate authorities, there will be complete chaos in the Administration which would not be conducive to public interest.

....."

So, in view of the observation of the Supreme Court none of the grounds that are mentioned in the OA attacking the transf have any importance.

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T. C. M

To

1. The Chief General Manager, Telecommunications, Nampally Road, Hyderabad.
2. The Telecom District Manager, Telecommunications, Tirupathi Division, Tirupathi.
3. One copy to Mr. T. Lakshminarayana, Advocate, 2-2-185/54/1/D, Bagh Amberpet, Hyderabad.
4. One copy to Mr. N. V. Ramana, Addl. CGSC. CAF. Hyd.
5. One spare copy.

Stratified
11/12
pvm.

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The relevant para in the instructions sent to the counsel for the respondents reads as follows:

"Chittoor is located just 70 km from Tirupati and it is situated in National High Way having good transport facilities. Hence, the applicant was transferred to Chittoor, which is the District Headquarters and not transferred to remote areas in this District. It is further informed that the transfer orders issued under the instructions from the JCMRC are for a period of one year only and he will be brought back after the completion of one year. Moreover, he is eligible for transfer grant and transit period on both occasions on transfer to and from Chittoor." (emphasis supplied)

So, in view of the ~~said~~ categorical statement of the respondents in the above para and in view of the judgement of the Supreme Court, we are of the opinion that this is not a fit matter to interfere with the transfer of the applicant. As seen, ~~from~~ the transfer order is effected in the Administrative exigencies.

During the course of hearing of this OA, Mr V.Rajeswara Rao maintained that the station seniority has been strictly maintained in transferring the applicant from Tirupathi to Chittoor. No doubt one Venkat Rao is the junior most person at Tirupati Station. But, he has come from Eluru Division under Rule 38 of the P&T Manual and he has foregone his seniority for promotion. The next junior most person as per the stationwise seniority is the applicant. So, the applicant had not been picked up and chosen for the said transfer. There is very justification on the part of the respondents in effecting the said transfer of the applicant.

There are no merits in this OA and hence, the OA is dismissed leaving the parties to bear their own costs.

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

Dated: 25th September, 1992

(Dictated in the Open Court)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

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: 25 - 9 - 1992

ORDER/JUDGMENT:

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

in

O.A. No.

685/92 ✓

T.A. No.

(wp. 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.

