

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD :

0.A No. 706 of 1992 with MA 961/92 Date of Judgement: 9-11-92

K. Vasudeva Rao Applicant

1. The Chief Engineer,
Water Resources Organisation (SCR)
Central Water Commission
H.No. 10-2-8/1, Shantinagar,
Hyderabad-500 028, A.P.
2. The Chairman,
Central Water Commission,
Sewa Bhawan, R.K. Puram,
New Delhi.
3. Shri K. Muthan,
Circle Superintendent
C/o Krishna Circle, C.W.C.,
H.No. 5-9-201/B & B1,
2nd Floor, Chirag Ali Lane,
Hyderabad. Respondents

Counsel for the Applicant : Shri E.V.S.S. Acharyulu

Counsel for the Respondents: Shri N.R. Devaraj, Sr. CGSC.
Shri B.G. Ravindra Reddy
for R-3

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN : MEMBER (ADMN.)

HON'BLE SHRI C.J. ROY : MEMBER (JUDICIAL)

(Judgement of the Division Bench delivered by
Hon'ble Shri R. Balasubramanian, Member, (Admn.)

This application filed by Shri K. Vasudeva Rao
requests for quashing the order transferring him to
Bhubaneswar. It is the main case that his transfer to
Bhubaneswar is ~~is~~ contrary to the guidelines according
to which a person with less than 5 years service to go

for retirement should not be transferred out. It is also his case that he has major domestic problems. He also alleges that the initial transfer of R-3 and the subsequent cancellation of that transfer and his posting to Bhubaneswar are all malafide. We heard the other side represented by Shri N.R. Devaraj, Sr. Standing Counsel and Shri B.G. Ravindra Reddy, learned counsel for Respondent-3. Shri N.R. Devaraj states that the applicant has been in Hyderabad right from 1966 and against this according to Shri B.G. Ravindra Reddy Respondent-3 had a number of transfers. Moreover, Respondent-3 is a physically handicapped person and he has made a representation against his transfer to Bhubaneswar. The learned counsel for the applicant stressed the fact that Respondent - 3 in pursuant to the transfer order has already taken T.A.A ^{LA} advance and the cancellation of transfer order was done at a later stage. The learned counsel for the applicant also states that Respondent-3 has mis-used the H.B.A. sanctioned to him. We are of the opinion that payment of advance and mis-use of H.B.A. etc. do not vitiate the case.

It is a well settled law that the transfers by the Departments are not to be interfered ^{with} by the courts unless a clear malafide intention or arbitrariness is established. We do not see any malafide intention or arbitrariness in this case. Hence we dismiss the case at the admission stage itself with no order as to costs. However, it does not preclude the department from considering any representation pending/to be received and coming to an independent conclusion thereon themselves.

In view of the orders passed in the O.A, the
M.A is also disposed of with no order as to costs.

R. Balasubramanian

(R. Balasubramanian)
Member (Admn.)

C.J. Roy
(C.J. Roy)
Member (Judicial)

6th November, 1992

Dictated in the Open court

NS

S/11/82
Deputy Registrar (J)

To

1. The Chief Engineer,
Water Resources Organisation(SCR)
Central Water Commission
H.No.10-2-8/1, Shantinagar, Hyd-020.
2. The Chairman, Central Water Commission,
Sewa Bhavan, R.K.Puram, New Delhi.
3. One copy to Mr. E.v.S.S.Acharyulu. Advocate, 9-4
Lalita Nagar, Dilsukhnagar, Hyd.
4. One copy to Mr.N.R.Devaraj, Sr.CGSC.CAT.Hyd.
5. One copy to Mr.B.G.Ravindra Reddy, Advocate, 2-2-1137/8/1/B/1
New Nallakunta, Hyd.
6. One spare copy.

pvm.

*30/11/92
S/11/82*

ASR
19/11/92
TYPED BY (3)
CHECKED BY

COMPARED BY
APPROVED BY

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: 9 - 11 - 1992

ORDER/JUDGMENT:

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

IN

O.A. No. 706/92

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.

Central Administrative Tribunal
DESPATCH

20 NOV 1992

HYDERABAD BENCH.

pvm