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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.940 of 1993

DATE OF JUDGMENT: 12th August, 1993

BETWEEN:

Mr. M.Manikya Rao ..

Applicant

AND

1. All India Radio, represented by
its Station Director,
Hyderabad.
2. The Director,
Doordarshan Kendra,
Hyderabad.
3. The Director General,
Doordarshan, ~~Mandi House~~,
New Delhi.
4. The Director General,
All India Radio,
New Delhi.

.. Respondents

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. P.B.Vijaya Kumar, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.R.Devaraj, Sr.CGSC

CORAM:

Hon'ble Shri P.T.Thiruvengadam, Member (Admn.)

JUDGMENT OF THE SINGLE MEMBER BENCH DELIVERED BY THE HON'BLE
SHRI P.T.THIRUVENGADAM, MEMBER (ADMN.)

The applicant herein is working as Head Clerk in
Doordarshan Kendra, Hyderabad. He was promoted to the said
post on 3.12.1991. Within nine months of his promotion,
vide order # No.8/93-S, dated 30.7.1993, the 2nd respondent
has transferred the applicant from Hyderabad to Warangal.

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Against the transfer order, this OA has been filed praying that the transfer order dated 30.7.1993 should be declared as illegal.

2. As per the recent orders of the Supreme Court, transfers can be interfered with by Courts or Tribunals only where malafides are established or where statutory guidelines are flouted. In this case, no such imputation has been made. However, the learned counsel for the applicant referred to the following ^{endorsement} para in the impugned order:-

"The Station Engineer, D.M.C., Nellore with reference to recommendation made for the transfer of Shri R.Kesava Rao, to Hyderabad."

It is to be noted that from Hyderabad, two persons have been transferred out and the applicant is only one of those two. Mere endorsement to one of the controlling officers giving reference to the earlier recommendation made by him, cannot be treated as malafide. Mr. Devaraj, learned Standing Counsel for the respondents mentioned that the transfers are routine ones in that, apart from the applicant, there are 8 other similarly placed persons who have been transferred from one station to another and all the transfers have been done in administrative interest.

3. In the circumstances as above, the OA is liable to be dismissed at the admission stage. It would however be without prejudice to the representation already made by the applicant to the 2nd respondent on 3.8.1993 being

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Copy to:-

1. Station Director, All India Radio, Hyderabad.
2. The Director, Doordarshan Kendra, Hyderabad.
3. The Director General, Doordarshan, ^{Mandir Marg} New Delhi.
4. ~~SM&X&M&X&X~~ The Director General, All India Radio, New Delhi.
5. One copy to Sri. P.B. Vijayakumar, advocate, CAT, Hyd.
6. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

*Temporary
Copy*

Rsm/-

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given due consideration. The applicant is also permitted to submit further representation within a week from today bringing out any further points like possibility of another vacancy arising at Hyderabad within a month due to one of the Head Clerks seeking voluntary retirement etc.

The representation dated 3.8.1993 as well as the further representation to be submitted by the applicant if he does so within ~~within~~ ^{the receipt of his order,} a week from today, shall be disposed of by the 2nd respondent within a month.

4. It has been advised by the learned counsel for the applicant that the applicant has since been relieved from his post at Hyderabad and that the applicant is on leave.

5. The OA is ordered accordingly. No costs.

(Dictated in the open Court).

P. J. D.

(P.T. THIRUVENGADAM)
Member (Admn.)

Dated: 12th August, 1993.

8/8/93
Dy. Regis. No. (P.A.D.)

vsn

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O.A. 940/93

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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. A. B. GORTHY : MEMBER (A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 12/8/1993

ORDER/JUDGMENT:

O.A./R.A./C.A. No.

O.A. No.

in
940/93

T.A. No.

(W.P. _____)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions **DESPATCH**

Dismissed

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.

Central Administrative Tribunal
HYDERABAD BENCH
20 AUG 1993

pvm

15/8/93
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