

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 1413/93.

Dt. of Order: 17-1-93.

Kolli Appa Rao

...Applicant

vs.

1. The Divisional Tele-cum-District Manager, Visakhapatnam-50.
2. Sub-Divisional Officer, Phones-I, Visakhapatnam.
3. S.Venkata Rao,

...Respondents

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Counsel for the Applicant : Shri S.R.Sistla

Counsel for the Respondents : Shri N.V.Raghava Reddy, CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN)

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....2.

*SARF*  
*J.*

## JUDGMENT

I as per Hon'ble Mr.Justice V.Neeladri Rao, Vice-Chairman I

*in regard to*

This O.A. as against the relief of challenging the order of punishment dt. 13.5.1993 was dismissed on 12.11.1993. This O.A. is coming today for consideration in regard to admission about the relief of challenging the order of transfer of applicant from Visakapatnam to Chintapalli in Narsipatnam sub-division.

2. It is vehemently argued for the applicant that he is a Mazdoor and there <sup>are</sup> was no administrative grounds in transferring him to a distant place.

Mr. M.V. Ramana, learned Standing Counsel for respondents submitted that he was instructed to state that disciplinary action was taken against the applicant on a complaint made by a subscriber that his phone was misused by the applicant for making international calls and on enquiry the applicant was punished by order dt. 13.5.1993 and as such it was found that it is not desirable to continue the applicant in Visakapatnam and that the applicant joined at Chintapalli <sup>in June</sup> <sub>2</sub> in pursuance of the order of transfer. But, it is stated for the applicant that he was not involved in the alleged misuse of the phone and the authorities might have mistaken the applicant as the person involved by the voice which is not clear and hence the applicant is challenging the order of punishment by way of appeal.

4. In the circumstances, we feel that the applicant may approach the higher authority i.e. the Divisional Engineer as against the order of transfer as he will be ----- in view of the material that will be available at the spot. Hence, we are not

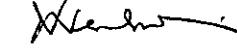
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expressing any merits in regard to the relevant conditions in regard to the order of transfer.

5. In the above view, there is no need to consider the preliminary objection for the respondents that single O.A. is not maintainable against two reliefs. Hence, the only order that is passed in this O.A. is ~~is~~ <sup>is</sup> with regard to challenging of transfer order is to permit the applicant to make a representation to the Divisional Engineer against the order of transfer if so advised and if such representation is made the same has to be disposed of expeditiously without <sup>entirely</sup> being influenced by any ~~irrelevant~~ circumstances.

6. The O.A. is ordered accordingly. No costs.

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

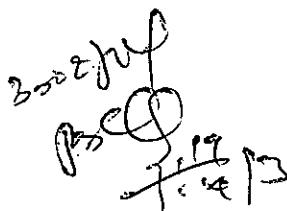
Date 17th Nov., 1993.  
Dictated in the open court.

  
Deputy Registrar

Grh.

1. The Divisional Telecom Dist. Manager, Visakhapatnam-50.
2. The Sub Divisional Officer, Phones-I, Visakhapatnam.
3. S. Venkata Rao, Sub-Divisional Officer, Phones-I, Visakhapatnam.
4. Sri N. Narasa Rao, A.E.(o) and Enquiry Officer, Telephones, Visakhapatnam.
5. One copy to Mr. S. R. Distila, Advocate, 6-2-45/10, A.C. Guards, Holy Mary School Road, Hyd-4.
6. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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30/11/93  
J. S. P. 13

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.A.B.GORTHI : MEMBER(A)

AND

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

AND

THE HON'BLE MR.BAT.TIRUVENGADAM:M(A)

Dated: 17 - 11 - 1993.

ORDER/JUDGMENT:

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

in

O.A. No. (113/93 - )

T.A. No.

(W.P. )

Admitted and Interim directions  
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

