

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.376 of 1993

DATE OF JUDGMENT: 23rd April, 1993

BETWEEN:

Mr. K.Krishna Rao

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Applicant

AND

1. The Director of Naval Staff,
Directorate of Civilian Personnel, (DCP),
Naval Headquarters,
New Delhi.

2. The Chief of Naval Staff,
Director of Systems (Elec) DOS(L),
Naval Headquarters,
New Delhi.

3. The Flag Officer Commanding in Chief,
Eastern Naval Command, Naval Base,
Visakhapatnam.

4. The Admiral Superintendent,
Naval Dockyard,
Visakhapatnam.

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Respondents

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. P.V.Ravindra Kumar, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. V.Bhimanna, Addl.CGSC

CORAM:

Hon'ble Shri A.B.Gorthi, Member (Admn.)

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JUDGMENT OF THE SINGLE MEMBER BENCH DELIVERED BY THE HON'BLE
SHRI A.B.GORTHI, MEMBER (ADMN.)

By means of this application under Section 19 of the Administrative Tribunals Act, 1985 the applicant has prayed that the order of the respondents transferring him from Visakhapatnam to NHQ/DSP (Delhi) be stayed and quashed.

2. The applicant is Senior Draughtsman (Electrical) at the Naval Dock Yard, Visakhapatnam. Earlier, in the year 1989 he was transferred to Bombay against which he made a representation on the ground that he had some compelling domestic problems on account of which his presence at Visakhapatnam was absolutely essential. He even went to the extent of offering that he would forgo his promotion to the post of Head Draughtsman. The respondents then accepted his request and accordingly cancelled his transfer to Bombay. They also held that the applicant would not be entitled for further promotion for a period of one year with effect from 30.3.1990. Thereafter, the impugned transfer order transferring the applicant to Delhi has been issued on 24.3.1993 with a direction that it should be complied with by 3.5.1993.

3. I heard at length Mr. P.V.Ravindra Kumar, learned counsel for the applicant. He has strongly contended that the applicant's father being amputated (both legs) requires constant attendance and accordingly the presence of the applicant at Visakhapatnam would be very much necessary for taking care of his old crippled father. Further, he

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has a dependent sister who is suffering from Cerebral Haemorrhage. Keeping in view his present domestic problems, the applicant has represented to the authorities concerned and the said representation, which is not annexed to the applicant is said to be with the respondents.

4. It is well settled that the validity of transfer order can be challenged on the ground that it is either contrary to the relevant rules or regulations or that the order was passed by the respondents with malafide intention. In the instant case, no such allegation of malafide has been made nor my attention has been drawn to any specific rule which stands violated by the impugned transfer order.


It is also a fact that the applicant is being faced with some serious domestic problems which require his presence at Visakhapatnam. Earlier, when his transfer order was issued to Bombay, he had to even forgo his promotion so that his transfer to Bombay was cancelled and he could be retained at Visakhapatnam. The domestic problems of the applicant are matters for consideration by the respondents and it is expected that they would, if his representation in this regard is received, attend to it and consider it sympathetically. It is also open to the respondents to defer or

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delay the transfer order if it is considered necessary in the interest of justice.

5. The application is, therefore, disposed of with the above observations. No costs.

(Dictated in the open Court).


(A.B. GORTHI)
Member (Admn.)

Dated: 23rd April, 1993.


Deputy Registrar

vsn

To

1. The Chief of Naval Staff, Directorate of Civilian Personnel, (DCP), Naval Headquarters New Delhi.
2. The Chief of Naval Staff, Director of Systems (Elec) DOS(L) Naval Headquarters, New Delhi.
3. The Flag Officer, Commanding in chief, Eastern Naval Command, Naval Base, Visakhapatnam.
4. The Admiral Superintendent, Naval Dockyard, Visakhapatnam.
5. One copy to Mr. P.V. Ravindra Kumar, Advocate, CAT. Hyd.
6. One copy to Mr. W. Bhimanna, Addl. CGSC. CAT. Hyd
7. One copy to Hon'ble Sri A.B. Gorti, Member (Admn) CAT. Hyd.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

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APPROVED BY

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

A. B. Gossly

THE HON'BLE MR. K. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

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

DATED: 23-4-1993

~~ORDER~~/JUDGMENT

... C.P/M.A.No.

in

O.A.No.

326/93

T.A.No.

(W.P.No

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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