

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1264/93.

Dt. of Decision : 27-10-94.

K. Nageshappa

.. Applicant.

Vs

1. The Union of India
Rep. by its Secretary,
Ministry of Defence,
New Delhi-110 011.
2. The Scientific Adviser to Raksha
Manthri & Director General
Research & Development Organisation,
Ministry of Defence,
Defence Head Quarters, P.O.,
NEW DELHI - 110 011.
3. The Director,
DLRL, DRDO,
Ministry of Defence,
Chandrayanagutta Lines,
Hyderabad-500 005.
4. Director, MTRDC, DRDO,
Ministry of Defence,
BEL Complex, Jalahulli PO,
Bangalore-560 013.

5. Dr.M.O.Raj Narayan,

.. Respondents.

Counsel for the Applicant : Mr. P.V.Ravindra Kumar C NOT PRESEN

Counsel for the Respondents : Mr. V.Bhimanna, Addl.CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

O.A. 1264/93.

Dt. of Decision : 27-10-94.

ORDER

¶ As per Hon'ble Shri A.V. Haridasan, Member (Judl.) ¶

The grievance of the applicant Scientist 'D', at DERE, DRDO, Chandrayanagutta Lines, Hyderabad, ^{is, that} his request for transfer back to MTRDC, DRDO, Bangalore was rejected arbitrarily while vacancies in which applicant can be accommodated are existing.

2. The facts are as follows; By order dt. 23.9.91 the second respondent transferred the applicant from Bangalore to DRDL, DRDO, Hyderabad. This order of order was assailed by the applicant in OA. No. 922/92, alleging that the order was mala fide and vitiated. The Tribunal on consideration of the rival contention of the parties found that there were no mala fides in this order and consequently dismissed the application. However an observation was made that it was still open for the applicant to make a representation for retransfer to Bangalore. The applicant made a representation requesting for retransfer to Bangalore stating that there was vacancy at Bangalore for a person like him who has got in experience Microwave Tube Res. & Dev. Centre and that in the interest of service and ^{for} his own career advancement a transfer back to Bangalore was essential. This representation of the applicant was considered by the competent authority and the same was rejected on the ground that his transfer back to Bangalore was not feasible in the interest of functional requirement and this order is under challenge in this application. The applicant prays that this order may be set aside and the respondents may be directed to

31

-3-

transfer him ~~to~~ back to Bangalore so that he can do his very best and advance his carrier as well as render better service to the institution in which he is working.

3. The respondents contend that the applicant having raised the very same issues in this application which were raised by him in OA.No. 922/92, is not entitled to put forth the same contention in this case, that on a consideration of the representation submitted by the applicant and of the functional requirement and ^{in the} interest of service it was held by the competent authority that the retransfer of the applicant to Bangalore was not feasible and therefore the applicant has no legitimate grievance. It is further contended that the representation was considered impartially and the decision is not arbitrary.


4. It is well settled that a transfer being an incidence of service, a Government employee who is appointed to a transferable post, has no right to claim for retention in a particular post, or, transfer to a particular place. The Courts or Tribunals would not generally interfere in the routine administrative matters like transfer, unless the order is vitiated by malafides. The allegations of malafides in this case dates back to the year 1991 which was considered by the Tribunal in the earlier application in OA. 922/92, wherein it was held that the transfer of the applicant from Bangalore to Hyderabad was not vitiated by any circumstances. Therefore the allegation in the application that the representation of the applicant was rejected on account of malafides of the 4th respondent against the applicant cannot be considered; Especially,

32

when the decision was taken by the DRDO Headquarters.

I ~~do not~~ find any reason to suspect the stand of the respondents that the case of the applicant was considered with an un-biased mind and that the decision taken to reject the request for ^{transfer} ~~was~~ taken on purely administrative and functional grounds.

5. In the result, I do not find any merit in this application and therefore I dismiss the application, leaving the parties to bear their own costs.


(A.V. HARIDASAN)
MEMBER (JUDL.)

Dated : The 27th October 1994.
(Dictated in Open Court)

4
DEPUTY REGISTRAR 19/4

spr

1. The Secretary, Ministry of Defence,
Union of India, New Delhi - 110 011.
2. The Scientific Adviser to Raksha Mantri & Director General,
Research & Development Organisation, Ministry of Defence,
Defence Head Quarters, P.O., New Delhi - 110 011.
3. The Director, DLRL, DRDO, Min. of Defence,
Chandrayanagutta Lines, Hyderabad - 500 005.
4. The Director, MTROC, DRDO, Min. of Defence,
BEL Complex, Jalahulli PO, Bangalore - 560 013.
5. One copy to Mr. P.V. Ravindra Kumar, Advocate, CAT, Hyderabad.
6. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

YLKR

Typed by

Compared by

Checked by

Approved by

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. A. V. H. RAO S.A. : MEMBER

AND

THE HON'BLE MR. A. D. GURTHI : MEMBER

Dated: 27.10.99

ORDER/JUDGMENT.

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

D.A. NO.

1264/93

T.A. NO.

(W.D. NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

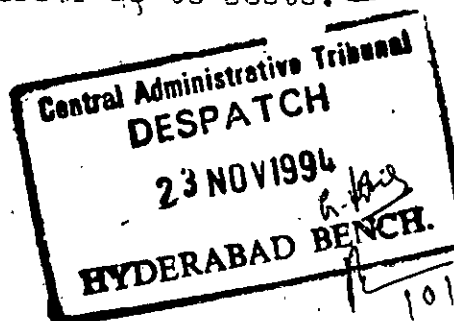
Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

NO SPARE COPY



YLKR

10/11/99

26

✓