

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 206/93

Dt. of Decision : 25.3.1994.

Smt. J. Krishnaveni

.. Applicant.

vs

1. The Director,
Telegraph Traffic,
A.P.Telemunications,
Hyderabad - 500 001.

2. Senior Superintendent,
Telegraph Traffic Division,
Visakhapatnam - 830 020.

.. Respondents.

Counsel for the Applicant : Mr. K. Sudhakar Reddy

Counsel for the Respondents : Mr. NV. Ramana, Addl. CGSC.

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

THE HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (ADMN.)

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ORDER

As per Hon'ble Shri T.Chandrasekhara Reddy, Member(Admn.)

This is an application filed under section 19 of the Administrative Tribunals Act to quash the order dt. 5.3.93 issued by the second respondent transferring the applicant from Visakhapatnam to Srikakulam as Telegraph Office Assistant (T.O.A.).

2. The facts so far necessary to adjudicate this OA in brief are as follows:-

3. The applicant was formerly working in Hyderabad as Telegraph Office Assistant. At her own request the applicant was transferred from Hyderabad to Visakhapatnam as TOA in the month of May 1991 as per Rule 38 of the P&T Manual Volume 4. The applicant had been given the seniority list of TOAs of Visakhapatnam Division on transfer from Hyderabad Division to Visakhapatnam Division. It is stated in the Telegraph Assistant cadre, there was surplus staff due to modernisation of Telegraph Office. So as the applicant was junior most according to the respondents, she had been transferred as TOA Srikakulam. The case of the applicant is that she has to be retained only at Visakhapatnam since she came to Visakhapatnam from Hyderabad on her own request, after losing her seniority. On 5.5.92 the applicant was transferred to Tekkali as per order dt. 5.5.92. The applicant made a representation to the concerned authorities and finally the competent authority as per order dt. 13.5.92 allowed the applicant, to continue in Visakhapatnam itself. So the case of the applicant is that the earlier transfer order dt. 5.5.92 had been cancelled as per order dt. 13.5.92 transferring her to Tekkali, on the ground that she cannot be transferred now as her husband at present is also working at Visakhapatnam. The applicant had made a representation to the competent authority on 6.03.1993 to allow her continue at Visakhapatnam itself, as her

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husband is residing there and is working there as JE in the CTO. Even before the disposal of the said representation approached by the competent authority the applicant had to this Tribunal and had filed this OA on 10.3.93, questioning the transfer order from Visakhapatnam to Srikakulam.

• Counter is filed by the respondents opposing this OA.

• In the counter of the respondents it is maintained that the claim of the applicant that she should be kept only at Visakhapatnam since she came to Visakhapatnam from Hyderabad under Rule 38 of P&T Manual Volume IV cannot be accepted. It is also the contention of the respondents that the staff in the Telegraph assistant cadre became surplus and the surplus had to be accommodated and junior most ^{were} to be transferred to the places ^{there} where are vacancies and so the applicant had been transferred to Srikakulam and it is not open for her to question the said transfer order, transferring her from ~~the~~ Visakhapatnam to Srikakulam.

• We have heard today Mr. K. Sudhakar Reddy counsel for the applicant and Mr. N.V. Ramana standing counsel for the respondents.

• This OA had come up for admission on 15.3.93 before Single Member Bench. The Single Member Bench consisting of Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman had passed suspending order dt. 15.3.93 ^{suspending the} ~~order of~~ the second respondent transferring the applicant from Visakhapatnam to Srikakulam. So in view of the said suspension order dt. 15.3.93 of this Bench the applicant as on today is working

• With regard to transfers it is left to the competent authority to take appropriate decision. This ~~case~~ is not a case where in the routine course the transfer of the applica-

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had been made. As the applicant was junior most as TOA and as the staff in the Telecom Assistant Cadre had became surplus due to the modernisation of Telegraph office, according to the respondents she has been transferred.

9. Admittedly the representation of the applicant dated 6.3.1993 put in to the competent authority to retain her at Visakhapatnam is pending. Probably due to the pendency of this OA the competent authority had not passed final orders on the representation of the applicant dt. 6.3.1993. As could be seen in cases of transfers, the second respondent is the competent person to effect transfer of the TOAs. It will not be fit and proper for us to express any opinion in this OA with regard to the transfer of the applicant as proper decision is yet to be taken by the respondents on the representation made by the applicant. ~~in view of~~ In view of the position we direct the respondents to pass final orders on the representation of the applicant dt. 6.3.1993. Until the final orders on the representation of the applicant dt. 6.3.93 are passed, the order dt. 15.3.93 suspending the order dt. 5.3.93 transferring the applicant from Visakhapatnam to Srikakulam shall be in force. OA disposed of accordingly. Parties shall bear their own costs.

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(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

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(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)

Dated : The 25th March 1994.
(Dictated in Open Court)

Hyderabad
Deputy Registrar (J)CC

To spr

1. The Director, Telegraph Traffic, A.P.Telemunications, Hyderabad-1.
2. The Senior Superintendent, Telegraph Traffic Division, visakhapatnam-20.
3. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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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

THE HON'BLE MR.A.B.GORTHI : MEMBER(AD)
AND

THE HON'BLE MR.TCCHANDRASEKHAR REDDY
MEMBER(JUDL)

AND
H.RaSundarPrasad

THE HON'BLE MR.R.RANGARAJAN : M(ADMN)

Dated: 25-3-1994

~~ORDER~~ JUDGMENT

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

in
O.A.No. 206/93

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

