

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

O.A. No. 386/93

Dt. of Decision 29.4.1993

T.A. No.

P.Wilson Mathew

Petitioner

Mr.J.V.Prasad

Advocate for
the petitioner
(s)

The D.D. (Med) Dte. General, Central Reserve
Police Force, CGO Complex, Lodhi Road,

New Delhi and 4 others.

Respondent.

Mr.N.V.Ramana

Advocate for
the Respondent
(s)

CORAM

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

THE HON'BLE MR. TACHANDRASEKHARA REDDY : MEMBER (JUDL.)

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1,2,4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

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(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.386/93

Date of Order: 29.4.1993

BETWEEN :

P.Wilson Mathew

.. Applicant.

AND

1. The D.D.(Med) Dte. General, Central Reserve Police Force, CGO Complex, Lodhi Road, New Delhi.
2. The Addl. Dy. Inspector General of Police, Group Centre, Central Reserve Police Force, Hyderabad.
3. The Chief Medical Officer, 2nd Base Hospital, Central Reserve Police Force Hyderabad.
4. The Inspector General of Police, SS, Central Reserve Police Force, Road No.12, Banjara Hills, Hyderabad.
5. The Deputy Inspector General of Police, Central Reserve Police Force, Hyderabad. .. Respondents.

Counsel for the Applicant

.. Mr.J.V.Prasad

Counsel for the Respondents

.. Mr.N.V.Ramana

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER(ADMN.)

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

Order of the Division Bench delivered by
Hon'ble Shri B.B.Gorthi, Member (Admn.).

The applicant who is a Lab-Technician with the Group Centre Peace Keeping Element CRPF, Hyderabad has been ordered vide additional DIGP Group Centre CRPF, Hyderabad office order No.T.IX-5/93-GCH/EC.IV dated 28.1.1993 to be relieved from his duties on the forenoon of 28.1.1993 consequent to his transfer from the said GCPKE to 20 Bed Hospital Srinagar. Aggrieved by the said office order dt. 28.1.1993, the applicant filed O.A.93/93, which was rejected with the following order dt. 16.2.1993:

" As on today there is no cause of action to file this O.A. In view of this position this OA is liable to be rejected and is accordingly rejected. But this order does not preclude the applicant to approach this Tribunal in accordance with law as and when he is aggrieved by the action of the respondent."

2. In the present application the applicant mainly alleged that as the transfer order itself was not served upon him, he could not have ~~in~~compliance of the office order dt. 28.1.1993 moved to Srinagar, after OA.93/93 was rejected he was still expecting and waiting for his proper transfer order. But as on today he was not received any transfer order ^{as}such. Further, his grievance is that he was paid allowances for the period of February 1993 and he was not paid for the months of March and April 1993.

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To

1. The D.D.(Med) Dte. General, Central Reserve Police Force, CGO Complex, Lodhi Road, New Delhi.
2. The Addl.Dy.Inspector General of Police, Group Centre, Central Reserve Police Force, Hyderabad.
3. The Chief Medical Officer, 2nd Base Hospital, Central Reserve Police Force, Hyderabad.
4. The Inspector General of Police, SS, Central Reserve Police Force, Road No.12, Banjara Hills, Hyderabad.
5. The Deputy Inspector General of Police, Central Reserve Police Force, Hyderabad.
6. One copy to Mr.J.v.Prasad Advocate, CAT.Hyd.
7. One copy to Mr.N.v.Ramana, Addl.CGSC.CAT.Hyd.
8. One spare copy.

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3. We have heard Mr. J. V. Prasad, Learned counsel for the applicant. He has reiterated the stand taken in the application and stated that the applicant remained at ^{Hyderabad} GCPKE, ~~Srinagar~~ as he was not served with transfer order and it was not the intention of the applicant to dis-obey the transfer order. Further, the applicant ~~is~~ ~~not~~ ^{is} willing to proceed to Srinagar.

4. Learned Counsel for the respondents had shown us the office record which contains the transfer order of the applicant. This is in a communication addressed to DD Medical to CMO, 20 Bed Hospital, Srinagar with a copy to EIG CRPF Hyderabad. The said order dated 27.1.1993 is to the effect that the applicant is transferred from PKE Hyderabad to 20 Bed Hospital, Srinagar. We direct that a copy of the transfer order be given during the course of the day today to the learned counsel for the applicant.

5. We consider that it would meet the ends of the Justice if we dispose of the application with a direction to the applicant that he would report to Srinagar as ordered by the competent authority by 15-5-1993. The respondents are hereby directed to pay the applicant his pay and allowances for the period ~~as~~ from March 1993 to the date of his joining his new establishment. The respondents are directed to pay him salary and other allowances for the period of March and April if not already paid ~~as~~ within 10 days from the date of the communication of this order.

Application is disposed of in the above terms and conditions with no order as to costs.

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

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

Dated: 29th April, 1993

*By order
of
Srinagar
Registration
29/4/93*

*5593 Issue
29/4/93*