

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
HYDERABAD

OA No. 484/93

Date of judgement: 18-5-93.

Between

Shri M. Pentaiah

: Applicant

And

1. The Union of India
Rep. by the Secretary,
Min. of Defence,
New Delhi.
2. The Chief Engineer, (Project),
Southern Command, PUNE.
3. The Chief Engineer (Project)
Research and Development,
2 Picket, SECUNDERABAD.

: Respondents

COUNSEL FOR THE APPLICANT

: Sri R. Sree Ramulu
Advocate

COUNSEL FOR THE RESPONDENTS

: Sri N.R. Devaraj,
Sr. CGSC.

CORAM

Shri T. Chandrasekhara Reddy, Member (Judl.)

(Judgement of the single bench delivered by Shri T. Chandra
Sekhara Reddy, Member (Judl.)

When this OA was taken up at 11-00 a.m. to-day
there was no representation on behalf of the applicant.
Hence this OA was ordered to be listed for admission
hearing after vacation. At 12-00 a.m. to-day Shri Sree
Ramulu, learned counsel for the applicant made appearance
and requested the Tribunal to advance the OA and to
hear on admission. Accordingly OA is advanced today.

-/-.....

(24)

This application is filed under Section 19 of Central Administrative Tribunal Act to direct the respondents to cancel the transfer order of the applicant dated 5-3-93 transferring the applicant from Hyderabad to Naliya in the state of Gujarat.

Heard Shri Sree Ramulu, learned counsel for the applicant and Shri N.R. Devaraj, Sr. Standing Counsel for Central Government. Shri N.R. Devaraj strongly opposed this OA.

The facts giving rise to this OA are as follows:

According to the scheme of service, every member ^{in the respondents' organisation} of staff has to serve atleast once in a tenure station [^] service. A tenure station is otherwise called a Hard Station where adequate facilities may not be available. According to the applicant, transfer to any station is made on the basis of Seniority in the station in which the staff member is working. According to ^{the Applicant} ~~him~~ his turn to transfer for Tenure station would have come only in the year 1995. But the applicant offered to work in a Tenure station even before his turn came. He gave a ^(considered) ~~representation~~ on 26-11-92 volunteering for Tenure station. Accordingly, the respondents transferred him as per the impugned order from Secunderabad to Naliya in the state of Gujarat. According to the applicant, his wife developed some complications in February, 1993 and she is said to be in a serious condition now. The applicant has put in a representation to the 2nd Respondent to cancel the transfer order dated 5-3-1993. The said representation to the 2nd respondent for redressal of grievance seems to have been made on 31-3-

T. C. N.

-/-.....

(25)

According to the applicant, 3rd respondent (Chief Engineer (Project), Research and Development, Secunderabad) has recommended for the retention of the applicant at Secunderabad. Even though the representation of the applicant is dated 31-3-93, the 2nd Respondent who is the competent authority to pass appropriate orders on the grievance does not seem to have passed final orders yet. So having regard to the facts and circumstances of the case we are of the opinion that interest of justice will be better served if the OA is disposed of at the admission stage itself by giving appropriate direction to the 2nd respondent. Hence the 2nd respondent is directed to pass final orders on the representation of the applicant dated 31-3-93 at an early date. Further, the transfer order dated 5-3-93 transferring the applicant from Secunderabad to Naliya in the state of Gujarat is kept under suspension till the final orders by the 2nd respondent are passed on the representation dated 31-3-93 of the applicant. The OA is disposed of accordingly. The applicant will be at liberty to approach this Tribunal ^{afresh} if he continues to be aggrieved by the final orders passed by the 2nd Respondent in regard to the transfer.

Furnish a copy of this order by 5-00 p.m. tomorrow.

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

Open court dictation

Dated 18th May, 1993.

1989
Dy. Registrar (Judl.)

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contd. ...

O.A. 484/93

TYPED BY

COMPALED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO :V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN:M(A)

AND

MEMBER(JJ)

AND

THE HON'BLE MR.

DATE: 18/5/1993

ORDER/JUDGMENT:

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

O.A.No.

484/93

T.A.No.

(W.P.No.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

pvm

