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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA.1416/94

date of decision : 5-12-94

Between

Sri Devander Reddy

: Applicant

and

1. The Chief General Manager
Telecommunication, AP Circle
Door Sanchar Bhavan, Nampally
Station Road
Hyderabad 500001

2. The Chief Superintendent
Central Telegraph Office
GPO Buildings, Abids
Hyderabad 500001

3. The Director
Telecommunications
Hyderabad

: Respondents

Counsel for the applicant : V. Venkateswara Rao,
Advocate

Counsel for the respondents : N.R. Devaraj, SC for
Central Government

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMINISTRATION)

O.A.No.1416/94

O R D E R

(As per Hon'ble Justice Sri V.Neeladri Rao, V.C.)

Heard Sri V.Venkateshwara Rao, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. The applicant is working as Section Supervisor. He was transferred from C.T.O., Hyderabad to Z.T.O., Jubilee Hills by order dt.2-6-94. Then the applicant had gone on leave. While the applicant is still on leave, he was transferred to Telegraph Office, Nellore by impugned order dt.17-9-94. The same is challenged in this O.A. which was filed on 16-11-1994.

3. It was contended inter alia for the applicant that when his brother Sri P. Narender Reddy, who is also working as Section Supervisor in Telecom Department, was involved in some petty case, the applicant was also transferred. The applicant is relying upon 1994 SCC (1304) N.K. SINGH Vs. U.O.I. & Ors to urge that "mere suspicion or likelihood of some prejudice to public interest and exigencies of administration" for ordering transfer. It was further observed therein by their Lordships that in exercise of the judicial review, Courts/Tribunals have power to peruse the record but no roving enquiry has to be made.


4. In view of the allegations for the applicant, the respondents were directed to produce the relevant record. The same was produced and we perused it (returned

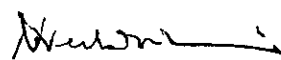
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after perusal). We had not come across any material which is more than suspicion to sustain the impugned order of transfer. Hence, the impugned order of transfer is liable to be set aside. We make it clear that, if later on, some material is available to substantiate the opinion referred to in the record, it is open to the competent authority to transfer the applicant from Hyderabad, in exercise of the powers under Rule 37 of P & T Rules, Vol.IV.

5. In the result, the impugned order dt.17-9-94 transferring applicant to T.O., Nellore is set aside. The applicant has to report for duty at Z.T.O. Jubilee Hills, as per transfer order dt.2-6-94, on expiry of leave, if that post is still vacant. If that post is not vacant, it is open to R-1, the competent authority to transfer to any other Telegraph Office in the city other than C.T.O., Hyderabad.

6. The O.A. is ordered accordingly. No costs./


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman

Dt. 5-12-94
Open Court Dictation  Registrar (J)/CC

To kmv

1. The Chief General Manager, Telecommunication, A.P.Circle, Door Sanchar Bhavan, Nampally Station Road, Hyderabad-1.
2. The Chief Superintendent, Central Telegraph Office, GPO Buildings, Abids, Hyderabad-1.
3. The Director, Telecommunications, A.P.Circle, Office of CGMT, Hyderabad.
4. One copy to Mr.V.Venkateswar Rao, Advocate, CAT Hyd.
5. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

TYPED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. N. K. LADRI RAO
VICE-CHAIRMAN

AND

--- M. N. K. RAO : M (ALM)

DATED: 5-12-1994

ORDER/JUDGMENT:

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

O.A. No. 1416/94.

T.A. No. (w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed for default.

Ordered/Rejected

No order as to costs.

pvm

