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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA.1471/94

decided on : 7-12-94

P. Nageswara Prasad : Applicant

versus

1. Director General of Meteorology
Mausam Bhavan, Lodi Road
New Delhi

2. The Director, I/C
Meteorological Centre
Hyderabad Airport
Hyderabad

3. Dy. Director General of
Centre, 50 College Road
Madras 600006 : Respondents

Counsel for the applicant : S. Kishore, 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)

DA.1471/94

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Sri S. Kishore, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. The applicant is working as Scientific Assistant in Meteorological Centre, Hyderabad. He was transferred to Bangalore by order dated 29-3-1994 (Annexure-5).

The same was assailed in OA.711/94 on the file of this Bench. The same was disposed of on 28-6-1994 by ordering that if the applicant is going to make a representation to the Director General, 15-6-1994, the latter has to consider the said representation.

R-3 by OM dated 16-11-1994 informed the applicant that R-1 considered the representations dated 14-7-1994 and 5-10-1994 of the applicant and even thereafter it was ordered that the applicant's transfer to MC, Bangalore stands.

3. This is a declaration that the said OM dated 16-11-1994 is arbitrary, illegal and against canons of the Justice, and to direct the respondents to retain the applicant at MC, Hyderabad. The main contention for the applicant is that out of 22 posts in the office of R-1 at Hyderabad, 2 posts are vacant and out of 20 who are working in the office of R-3, ^{ten} are in this office since more than 10 years and even though the applicant has come over to this office only 16 or 17.

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To

1. The Director General of Meteorology,
Mausam Bhavan, Lodi Road, New Delhi.
2. The Director, I/C Meteorological Centre,
Hyderabad Airport, Hyderabad.
3. The Deputy ~~Resg~~ Director General of Meteorology,
Regional Meteorological Centre,
50 College Road, Madras-6.
4. One copy to Mr.S.K.Shore, Advocate, 3-6-369/A/12
1st Street, Himayatnagar, Hyderabad.
5. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
6. One copy to Library, CAT, Hyd.
7. One copy to ~~CONV~~

pvm

months back, after working for about 3½ years at Calingapatnam, said to be a hardship station, it is discriminatory in picking up the applicant for transfer from Hyderabad to Bangalore.

4. It is evident from the impugned OM dated 16-11-94 that R-1 has looked into this plea of the applicant ^{when} it was referred ^{to} in his representation dated 14-7-1994 and 5-12-1994, and even thereafter the order transferring the applicant to Bangalore was not interfered with. In fairness to the applicant it has ^{been} stated that he has not attributed any motives to R-1. Hence, unless there are some circumstances which warranted the transfer of the applicant, he would not have been transferred. The applicant was on leave from 4-11-1993 to 31-12-1993 and from 11-4-1994 to 28-5-1994. It gives an indication that it might have been felt ^{that} due to prolonged leave of the applicant in ^{short} of ^{period} the said 16 to 17 months in the office of R-3.

5. So, in the circumstances, we feel that it is not even a case where the record has to be looked into for being satisfied as to whether there are justifiable grounds for transfer of the applicant.

In the circumstances, this OA does not merit consideration and accordingly it is dismissed at the admission stage. No costs./

(R. Rangarajan)
Member (Admn)

(V. Neeladri Rao)
Vice Chairman

Dictated in Open Court

Deputy Registrar (DCC)

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO

AND

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

DATED: 7-12-1994

ORDER/JUDGEMENT:

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

in

O.A.No.

1471/94

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Disposed of with directions.

Dismissed. *of the admission slip*

Dismissed as withdrawn.

Dismissed for default.

Ordered/Refected

No order as to costs.

Dvm

