

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 15/94

Dt. of Decision : 18.1.94.

S. Chellappan

.. Applicant.

Vs

1. Director of Telecommunications,
repd. by Chairman, Telecom,
New Delhi.
2. Chief General Manager, Telecom,
A.P. Circle, Hyderabad.
3. General Manager, Telecom,
Hyderabad.
4. Asst. General Manager, (Admn.)
office of the General Manager,
Telecom, Hyderabad Dist.

.. Respondents.

Counsel for the Applicant : Mr. M. Surender Rao

Counsel for the Respondents : Mr. N.V. Ramana : CGSC

CORAM:

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

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

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[Signature]

ORDER

As per Hon'ble Shri A.B.Gorthi, Member (Admn.)

In this application the applicant challenges the validity of the impugned order dt. 28.12.93 transferring him to ETR Calcutta as DE ~~satellite~~, Shillong. He prays for quashing the said transfer order on the ground, that it is illegal, mala-fide and discriminatory.

2. The applicant was working as a Divisional Engineer, Telecom at Charminar Telecom Exchange. He was Incharge of maintenance of 4 exchanges. Some expansion work was also going on in Charminar and Saroor Nagar exchanges which work was directly supervised by the applicant. Although he was thus fully committed to his work he was transferred to Shillong (ETR Calcutta) with a view to accommodate some other person. The applicant had earlier worked in Shillong when he was an Assistant Engineer for a period of 3 years. He should not have therefore been once again transferred to Shillong, which is a tenure area. Last but not ^{the} least, the applicant contends that the impugned order of transfer was passed by the Assistant General Manager who was not the competent authority to issue the transfer order. Keeping in view the rank and status of the applicant, he contends that his transfer could only be ordered by the Directorate.

3. It is evident from the averments from the application itself that the applicant came to Hyderabad as Divisional Engineer in 1985 and was working as such, till the impugned order of transfer was issued. There is nothing on record to show that the applicant's instructions governing the subject matter. As regards the competency of the Assistant General Manager to issue the transfer order, we have perused the relevant office memos furnished by the learned standing counsel for the respondents. The memos would indicate that as early as 3.6.93 an order was issued by the Assistant Director General of the Department of Telecom, New Delhi ordering the transfer of the applicant to ETR Calcutta. The memo indicates that a copy of it was sent to the officers concerned. A further order was issued vide memo dt. 30.7.93 directing CGM, AP Circle and CGM ETR to issue the station of posting in respect of Shri J. Ravichandra and Shri S. Challapan (applicant) respectively and relieve the officers concerned with immediate effect. Subsequently on 12.10.93 another communication was addressed by the Assistant Director General to the Chief General Manager, A.P. Telecom circle, Hyderabad, once again directing the latter to relieve Shri S. Challapan so as to enable him to join ETR Calcutta. It was only after all the afore-said correspondence

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Copy to:-

Chairman,

1. /Director of Telecommunications, Telecom, New Delhi.
2. Chief General Manager, Telecom, A.P.Circle, Hyderabad.
3. General Manager, Telecom, Hyd.
4. Asst. General Manager, (Admn.) O/O General Manager, Telecom, Hyderabad Dist.
5. One copy to Sri. M.Surender Rao, advocate, 17-119, Kamalanagar, road No.3, Dilsukhnagar, Hyd-660.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

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VirojGupta@e

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(RB)

that the final impugned order was issued by the
Assistant General Manager (A) ^{and} on behalf of
CGMT, AP, Hyderabad.

4. We have heard learned counsel for both the
parties. Learned counsel for the applicant strongly
contended that the transfer order was not issued by
an authority competent ^{to} do so. We have already noted
that the initial order of transfer of the applicant
in fact emanated from the Department of Telecom,
New Delhi as could be seen from the OM dt. 3.6.93.
After certain correspondence in the matter, final
executive instructions were issued by the Assistant
General Manager releasing the applicant with effect from
the afternoon of 28.12.93. We cannot therefore hold that
impugned order is issued without competence.

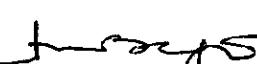
5. It is well settled that an order of transfer
can be challenged on limited grounds. In the instant case,
we do not find that the order has either violated any
~~statutory~~ rules or instructions or that it was issued
~~mala-fide~~. Under these circumstances, we find no merit
in the application and the same is rejected at the stage of
admission itself.

6. The copies of the office memos furnished by the
learned ~~standing~~ counsel for the respondents are taken
on record.


(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)

SPR

Dated : The 18th January 94.
(Dictated in Open Court)


(A.B. GORATHI)
MEMBER (ADMN)

DR (3)

Contd. 51

O.A.15194

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER(J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 18/1/1994

ORDER/JUDGMENT:

M.A/R.A/C.A.NO.

O.A.No. 15194 ⁱⁿ

T.A.No. (W.P.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

