

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 210/94.

Dt. of Order:23-3-94.

P.V.V.S.S.S.Subramanayam

....Applicant

Vs.

1. Union of India, rep. by its Secretary,
Ministry of Railways, New Delhi.
2. Divisional Railway Manager, Vijayawada,
DRM's Office (Personnel Branch),
SC Rlys, Vijayawada, Krishna District.
3. Smt.M.L.Jayaprada

....Respondents

Counsel for the Applicant : Shri N.Ram Mohan Rao

Counsel for the Respondents : Shri Jalli Siddaiah,
SC for Rlys

CORAM:

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

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

....2.

20

J U D G E M E N T

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

Heard Shri N. Rama Mohan Rao, learned
counsel for the applicant, Shri Jalli Siddaiah, ^{learned} /counsel
for Respondents 1 & 2 and Shri V. Venkateswara Rao,
learned counsel for Respondent 3.

2. This OA was filed praying for declaring
the action of Respondent 2 in transferring the
applicant as per order dated 9.9.93 as bad, illegal
and unsustainable in view of the applicant's
request as per his application dated 7.9.93 for
cancelling the application of mutual transfer and
to allow the applicant to continue in the Unit
of Senior DEE/M/BZA.

3. The facts which are relevant for considera-
tion of this OA are as under:-

The applicant, a Sr. Clerk in the % Sr.
DEE/M/BZA and Respondent 3 who was working in the
workshop at Guntupalli submitted mutual transfer
application dated 5.6.90 for the transfer of the
applicant to Guntupalli and that of Respondent 3
to the office of Sr. DEE/M/BZA.

4. The Chief Personnel officer, ^{SC Railway} /Secunderabad
ordered sanction of mutual transfer vide his
memo. dated 8.9.93. The case of the applicant
is that even on 7.9.93, he submitted an applica-
tion to Sr. DEE/M/BZA stating that he was with-
drawing his consent for mutual transfer. ^{The}
^{Sr.}
~~applicant was relieved from the office of DEE/M/BZA.~~

(21)

Thereafter, the Dy. CME/P/WW/Guntupalli issued office order dated 4.2.94 relieving the Respondent 3 on the same day with instructions to report to Sr. DEE/M/BZA on 7.2.94 and she reported for duty in the office ^{of} Sr. DEE/M/BZA on 7.2.94 and she was permitted to join and she is working in the said office. It is stated ^{for} the applicant that he is on leave from 10.2.94 and he was not relieved in the office of Sr. DEE/M/BZA. // The fact that the applicant was allowed to continue in the office of Respondent 2 (Sr. DEE/M/BZA) even after Respondent 3 joined in the said office suggests that it is possible to continue both the applicant and the Respondent 3 in the said office (office of Sr. DEE/M/BZA) for the time being.

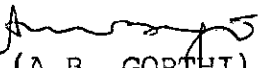
5. After hearing the various contentions for both the sides, we feel that it is just and proper to pass the following order without going into merits of the case *at this stage.*

" The CPO, SC Railway has to consider whether in fact, the applicant submitted the withdrawal application in the office of Sr. DEE/M/BZA on 7-9-93 itself and if so, the effect of it. He has also to consider the representation dated 16.11.93 of the applicant addressed to Sr. DPO, SC Railway, Vijayawada and also the points raised ^{and R₃ in H₂ & A.} for the applicant. The question as to whether the order of transfer of the applicant to Guntupalli unit has to be implemented or whether Respondent 3 has to be sent back to Guntupalli unit or whether the request ^{transfer} of the applicant or Respondent 3 ^{for vacant} has to be considered has to be decided by the CPO, SC Railway, Secunderabad. ^{The applicant or if aggrieved by} Respondent 3 ^{can approach} ~~can approach~~ this Tribunal under Section 19 of AT Act. Hence

the applicant has to be allowed to work in the office of Sr. DEE after the expiry of the leave till the matter is disposed of by the CPO, SCR, Secunderabad on receipt of the order of this Tribunal."

6. The OA is ordered accordingly. No costs.

7. The office has to issue a copy of the order to the CPO, SC Railway, Secunderabad also, by 25.3.94.


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


(V. NEELADRI RAO)
Vice-Chairman

Dated the 23rd March, 1994
Open court dictation

NS


Deputy Registrar(J)CC

To

Ministry of Railways, New Delhi

2. The Divisional Railway Manager, Vijayawada, DRM's Office (Personnel Branch), S.C.Rlys, vijayawada, Krishna Dist.
3. One copy to Chief Personnel Officer, S.C.Rly, Secunderabad.
4. One copy to Mr.N.Rammohan Rao, Advocate, CAT.Hyd.
5. One copy to Mr.J.Siddaiah, SC for Rlys, CAT.Hyd.
6. One copy to Mr.v.venkateswar Rao, Advocate, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm

cc by 25/3/94

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

✓
THE HON'BLE MR. A. B. GORTHY : MEMBER (AD)

AND

THE HON'BLE MR. TOCHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 23-3 -1994

ORDER/JUDGMENT

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

in

O.A.No. 210/94

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

Central Administrative Tribunal

DESPATCH

25 MAR 1994

HYDERABAD BENCH