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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
---

O.A. 1050/94.

Dt. of Decision : 7-9-94.

K. Balakrishna

.. Applicant.

Vs

1. The National Savings Commissioner,  
Govt. of India, Ministry of Finance,  
12. Seminary Hills,  
Nagpur - 440 006.

2. The Regional Director,  
National Savings (G.O.I) Kendriya  
Sadan, C-Block, IInd Floor,  
Koti, Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. R.K. Suri

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

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

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

(15)  
[ AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,  
VICE-CHAIRMAN ]

---  
J U D G E M E N T

Heard both the counsels.

2. This OA was filed praying for quashing the order dated 15-6-94.

3. The applicant is working as Head Clerk in the National Savings Organisation at Hyderabad. The order dated 12-5-94 was issued by the National Savings Commissioner and the material <sup>portion</sup> ~~part~~ of the order is as under:

"Shri K. Balakrishna, Head Clerk, now stationed at Hyderabad Regional office is transferred and posted to Madras Regional office with immediate effect."

4. Shri K. Balakrishna referred to therein is the applicant herein. The said order of transfer was challenged earlier in OA 590/94 filed by this applicant. The same was disposed by this Bench of which one of us is a Member <sup>in V.C.</sup> by order dated 23-5-94 and the operative portion therein is as under:

"In the circumstances, we feel that <sup>it</sup> ~~is~~ just and proper to require R1 to dispose the above representation of the applicant dispassionately and expeditiously and ~~preferably~~ <sup>also</sup> by 15-6-94." The representation referred to therein is of date 16-5-94 which was made to R1. Thereafter, R2 by impugned letter dated 15-6-94 informed the ~~applicant~~ <sup>also</sup> that R1 had ~~to~~ <sup>ed</sup> consider the representation of the applicant as against the order of transfer. But in the said letter ~~also~~ <sup>also</sup>, R2 <sup>also</sup> referred

To

1. The National Savings Commissioner,  
Govt. of India, Ministry of Finance,  
12, Seminary Hills, Nagpur-6.
2. The Regional Director, National Savings (G.O.I)  
Kendriya Sadan, C-Block, II Floor, Koti,  
Hyderabad.
3. One copy to Mr. R.K. Suri, Advocate, 16-11-741/C/A/13  
S.B.H. Colony, Dilsukhnagar, Hyd.
4. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

pvm

-2-2-

13/8/64

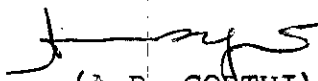
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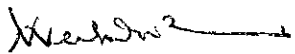
to the various instances where ~~Head~~ Clerks  
of <sup>various</sup> ~~one~~ State worked as Head Clerks in National  
Savings Organisation in other states.

5. This OA is filed for the reliefs as  
already referred to by alleging that he is  
having aged father and 3 daughters to be married  
and is not familiar with the language of Tamil Nadu  
State, and is also sick and his case can at least  
be considered for absorption in the post of  
Head Clerk at Hyderabad which is going to fall  
vacant by the end of this month. The same was  
raised in the representation dated 16-5-94 made  
to R1, and by <sup>and</sup> letter dated 15-6-94/ the applicant  
was already informed <sup>by R2</sup> that R1 considered the same  
and he did not pass any order cancelling the  
order transferring the applicant to Madras.

6. The Supreme Court held in AIR 1993 SC  
1236 (Rajendra Roy Vs Union of India & Another)  
of  
interfere with the order/transfer unless there is  
violation of statutory rules, or malafides ~~are~~  
is established. There is neither in this case.  
Thus there are no grounds to interfere with the  
impugned order of transfer.

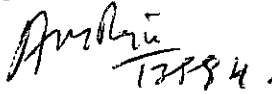
7. In the result, the OA is dismissed at  
the stage of admission. But we make it clear  
that if R1 considers it a case to post <sup>the applicant</sup> him in  
the post of Head Clerk which is <sup>said</sup> going to fall <sup>be</sup> going  
vacant by the end of this month, there is no bar  
for ordering the same. No costs./

  
(A.B. GONTHI)  
Member (Admn.)

  
(V. NEELADRI RAO)  
Vice-Chairman

Dated the 7th September, 1994  
Open court dictation.

NS

  
13/9/94.  
DX. Registrar (J)cc

TYPED BY

CHECKED BY

COMPALED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

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

AND

A. B. Gorthi

THE HON'BLE MR. RANGARAJAN : M (JUDGE)

DATE: 7-9-1994

~~ORDER~~ JUDGMENT

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

in

O.A.No.

1050/94.

(T.A.No.

(W.P.NO

)

Admitted and Interim directions  
Issued.

Allowed.

*NO SPARE COPY*

Disposed of with directions.

Dismissed *at admission stage*.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm

