

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 396/94

Dt. of Decision : 5.4.1994.

Dr. Y. Koramma

.. Applicant

Vs

1. The Union of India,
Rep. by the Secretary
Ministry of Health & Family Welfare,
Department, New Delhi.
2. The Director (Medical),
~~Ministry of Communications.~~
Govt. of India, Dak Bhava,
New Delhi - 110 001.
3. The Chief Post Master General,
Andhra Circle, Hyderabad-500 001.
4. The Post Master General,
Visakhapatnam - 530 003.
5. The Member, Postal Services.(P)
Dept. of Posts,
New Delhi - 11.

.. Respondents.

Counsel for the Applicant : Mr. J.V. Lakshmana Rao

Counsel for the Respondents: Mr. V. Bhimanna, Addl. CGSC.

CORAM:

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

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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O.A.NO.396/94.

JUDGMENT

Dt: 5.4.94.

Heard Shri J.V.Lakshmana Rao, learned counsel for the applicant and Shri V.Bhimanna, learned standing counsel for the respondents.

2. This OA was filed challenging the transfer order No.24-13-93/ST/21-9, dated 12.11.1993 and the rejection order No.24-13/93, dated 10.2.1994.

3. The two main contentions for the applicant are:-

i) that she was posted as ^{ok} Rajahmundry by transferring her from Bhopal on the basis of her request about 1½ years back and thus it is not proper to transfer her even before she completed the tenure

ii) that ~~it is the case of complaint~~ and she was transferred without even inquiring into the complaint

given by her against another Doctor for behaving indecently with her and thus it is a ~~punishment~~

~~punishment~~

4. When the applicant filed OA 1513/93 against the transfer order dated 12.11.1993, the same was disposed of by observing that the applicant can make representation

transfer. ^{Verdict of applicant} The same was rejected by the order dated 10.2.1994.

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5. The Supreme Court held in AIR 1993 SC 1236 (Rajendra Roy Vs. Union of India and another) that the Courts/Tribunals cannot interfere with the order of transfer unless the same is challenged on the ground of malafides or that it is not in conformity with the statutory provisions. No such contention is raised in this OA. When the applicant made representation to the Member, Postal Services against the order of transfer by referring to the circumstances under which she is said to have been representation. Thus, it can be stated that the Member, Postal Services after considering all the relevant factors felt it a case where the representation has to be rejected. As such, it cannot be stated that it is a case of punishment.

6. It is submitted for the applicant that her children are studying in 7th and 5th classes and much inconvenience will be caused to her if she has to leave Rajahmundry in the middle of the academic year. the order dated 14.2.1994 directs the applicant to hand-over the charge to the senior available Chief Medical Officer. Thus, it is not a case where any substitute was posted in the place of the applicant at Rajahmundry. As the examinations of the children of the applicant are said to be over by the end of this month, it is just and proper to direct the respondents to extend the

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time to the applicant till 1.5.1994 for handing over the charge at Rajahmundry. It is also stated that the applicant made a representation for transfer to Visakhapatnam if she has to be transferred from Rajahmundry. The concerned authority has to consider it on merits request for cancelling the transfer to Vijayawada from Rajahmundry.

7. OA is ordered accordingly at the admission stage.

No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 5th April, 1994.
Open court dictation.


Deputy Registrar (Judl.)

vsn

Copy to:-

1. Secretary, Ministry of Health & Family Welfare, Union of India, New Delhi.
2. The Director (Medical), Ministry of Communications, Department of Posts, Govt. of India, Dak Bhavan, New Delhi-001.
3. The Chief Post Master General, Andhra Circle, Hyd-001.
4. The Post Master General, Visakhapatnam-003.
5. The Member, Postal Services, (P) O/O Director General of Posts, Dept. of Posts, New Delhi-1.
6. One copy to Sri. J.V. Lakshmana Rao, advocate, CAT, Hyd.
7. One copy to Sri. V. Bhimanna, Addl. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

C.C. 6/4/94

O.A. 396/94

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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. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 5/4/1994

ORDER/JUDGMENT

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

in

O.A. No.

396/94

T.A. No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions at admission stage

Dismissed.

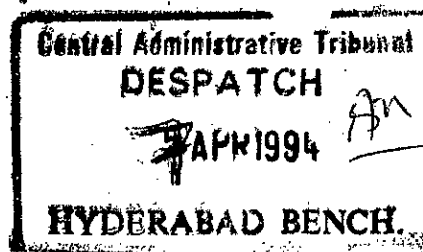
Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

pvm



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