

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.566/94

Date of Order: 13.8.96

BETWEEN:

Smt.S.A. Atchiyyamma

.. Applicant.

AND

1. The Sr. Superintendent,
TELE-TFC, VM Division,
Visakhapatnam.

2. The Superintendent I/C,
Central Telegraph,
Office, Visakhapatnam.

.. Respondents.

Counsel for the Applicant

.. Mr.S.V.Subba Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member(Admn.) X

None for the applicant. Mr.W.Satyanarayana, for
Mr.N.R.Devraj, learned standing counsel for the respondents.

2. This OA was filed on 9.5.94 and notice was issued by
the order dated 12.5.94 and this case was posted for orders
on 23.5.94. Neither the counsel for the applicant nor the
applicant was present on 23.5.94. The applicant or his counsel
was also not present on 17.6.94, 27.6.94, 20.7.94, 19.7.94,
11.8.94 and 23.8.94 when this case was listed. Hence it has
to be presumed that the applicant is not very eager to dispose
this case. As the applicant is not present even today, the
case is disposed of on the basis of the material available on
record.



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3. The applicant was appointed in 1980 on NMR basis as a Waterwoman. It is stated that she was confirmed as Waterwoman in Group-D Non-Test category under R-2 by order No.ESA-17/94-95/3, dated 29-4-94 (Page-3). She was transferred from Central Telegraph Office, Visakhapatnam to VMU as Sweeper by the impugned order No.ESA-17/94-95/3, dated 29.4.94. The contention of the applicant is that the post of Sweeper in VMU is in existence from 1975 onwards and one Smt.N.PYdamma has been working in that post since the creation of that post. Hence transferring her to that post when a regular incumbent is working in that post is irregular. She has not represented her case to any authorities so far as can be seen from the material papers enclosed to the OA.

4. This OA is filed assailing the transfer order No. ESA-17/94-95/3, dated 29-4-94.

5. An interim order dated 12.5.94 was issued directing the maintenance of status-quo on that date, so far as the applicant is concerned.

6. The learned counsel for the respondents contend that she belongs to Group-D Non-Test category and hence posting her as Sweeper which is also in the Non-Test category as Sweeper-cum-Waterwoman is in order. Further as per the departmental rules rotational transfer is to be effected periodically. As the turn of the applicant has come for rotational transfer she was posted in Non-Test category in VMU.

7. This OA is filed on May 1994. More than 2 years are over. Hence in my opinion the relevance of this OA itself may not exist as it is a transfer case issued in wayback in 1994. In view of that it is probable that the applicant or her counsel has not made any serious attempt to dispose of this case. Be that as it may, it is seen from the papers

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filed in this OA that the applicant has not represented her case to the competent authority against the transfer. Hence it is justifiable to give her an opportunity now to file a representation to R-2 who should dispose of the same in accordance with the law. It is also justifiable to keep the interim order dated 12.5.94 in force till such time the representation is disposed of.

8. In the result, the following direction is given:-

The applicant may submit, if so advised, a representation in this connection to R-2 by RPAD on or before 13.9.96. If such a representation is received by R-2 the same should be disposed of in accordance with the rules. If no representation is submitted by her on or before 13.9.96 the case has to be rejected. Till such time a reply is given to her representation by R-2, submitted in time by the applicant in pursuance of the above order the interim order dated 12.5.94 shall be in force.

9. The OA is ordered accordingly. No costs.

(R.RANGARAJAN)
Member (Admn.)

Date: 13th August, 1996

(Dictated in Open Court)

sc

Amber
D.R (J)

O.A. NO. 566/94

Copy to:

1. The Senior Superintendent,
Tele-TFC, VM Division,
Visakhapatnam.
2. The Superintendent I/C,
Central Telegraph Office,
Visakhapatnam.
3. One copy to Mr. S. V. Subba Rao,
Advocate, CAT, Hyderabad.
4. One copy to Mr. N. R. Devraj, Sr. CGSC,
CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One duplicate copy.

YLKR

~~Case No.~~
O/A 566/94

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 13/8/96

ORDER/JUDGEMENT

O.A. NO./R.R./C.P. No.

in

O.A. NO. 566/94

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLR

II COURT

No Special Copy

केन्द्रीय प्रशासनिक अधिकारक
Central Administrative Tribunal

DESPATCH

28 AUG 1996 Namp

हैदराबाद बैच द्यायपीठ
HYDERABAD BENCH