

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1075/94.

Dt.of Decision : 8-9-94.

P. Satya Prasad

.. Applicant.

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1. The Director General,
Geological Survey of India,
27, JLN Road,
Calcutta - 700 016.

.. Respondents.

For the Applicant : Mr. S. S. Sanathya

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

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELAMURI RAU : VICE CHAIRMAN

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

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J U D G E M E N T

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

Heard Shri C.P. Sarathy, learned counsel for the applicant, and also Shri N.R. Devaraj, learned sr. Standing counsel for the Respondents.

2. This OA is filed challenging the order dated 19-8-94 to the extent of transfer of the applicant to Bangalore.

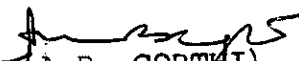
3. The Supreme Court held in AIR 1993 SC 1236 (Rajendra Roy Vs Union of India & Another) that it is not open to the Court/Tribunal to interfere with the order of transfer unless there is any violation of statutory rules or malafides are established. It is not even pleaded that there is violation of statutory rules in passing the impugned order of transfer so far as the applicant is concerned. Even malafides were not attributed to the Respondent i.e. the Director General, Geological Survey of India.

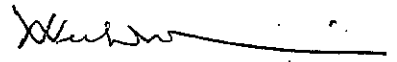
4. But it is pleaded for the applicant that his plea was not brought to the notice of the Respondent and hence he may be given opportunity to make a representation to the Respondent against the order of transfer. In these circumstances, dispose of the OA we feel that it is just and proper to by passing the following order:

"If the applicant is going to make a representation to the Respondent i.e. Director General of Geological Survey of India through Director at Hyderabad by presenting it in the office of Director on 14-9-94, the impugned order of transfer

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in regard to the applicant (it is stated that 2 more posts of Sr. Geophysists are vacant at Hyderabad) is stayed till the disposal of the said representation by the Director-General i.e. the Respondent, failing which the OA stands dismissed. No costs."/


(A.R. GORTHY)
Member (Admin.)


(V. NEELADRI RAO)
Vice-Chairman

Dated the 8th September, 1994
Open court dictation

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Dy.Registrar(Judl)

Copy to:-

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1. The Director General, Geological Survey of India, 27, J.L.N.Road, Calcutta-700 016.
2. One copy to Mr.C.P.Sarathy, Advocate ,6-1-103/20,, Abhinava Nagar, Padmarao Nagar, Secunderabad-500 025.
3. One copy to Mr.N.R.Devaraj, Sr.CGSC, CAT, Hyderabad.
4. One copy to Library.
5. One spare.

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