

(Signature)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 655/94.

Dt. of Decision : 13.6.94.

Mr. B. Jangaiah

.. Applicant

Vs

1. Divisional Railway Manager (M.G)
SC Rly, Hyderabad Division,
Rail Nilayam, Secunderabad.
2. Sr. Divisional Personnel officer,
SC Rly, Hyderabad Division,
Rail Nilayam, Secunderabad.
SC Rly, Hyderabad Division,
Rail Nilayam, Secunderabad. .. Respondents.

Counsel for the Applicant : Mr. S. Laxma Reddy

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 C. DASARATH

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O.A.No.655/94.

JUDGMENT

Dt: 13.6.94

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

Heard Shri S.Laxma Reddy, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. This OA is filed assailing the order dated 12.5.1994 whereby R-2 transferred the applicant to Purna as Diesel Assistant, and the applicant prays for a direction to the respondents to retain him at _____ juniors.

3. When the applicant was not promoted to the post of Fireman Grade-I with effect from 1.1.1984, he filed OA 777/88 on the file of this Bench and the same was allowed on 6.12.1990 and accordingly the applicant was given the pay - - - - - . Even the punishment that was imposed was implemented in the promoted scale and the punishment of withholding increment for six months in 1991 was also implemented in the pay in the promoted pay scale. It is submitted for the applicant, ^{as per M/s} that even though the pay in the pay scale of Fireman Grade-I ie., Rs.950-1500 was given to him in pursuance of the judgment dated 6.12.1990 in OA

4. As per the impugned order, the applicant is posted to Purna to be on trial for 18 months for the

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post of Diesel Assistant as the rules envisage that one who is promoted to the post of Fireman Grade-I to discharge duties of Diesel Assistant, has to be on trial for 18 months. The main contention for the applicant is that while his juniors are retained in Secunderabad, he was transferred to Purna.

5. Now it is held by the Supreme Court in another) that the Tribunal/Court~~s~~ cannot interfere ~~in~~ with the order~~s~~ of transfer unless it is ~~x~~ in violation of the statutory rules, or malafides if alleged were ~~sustained~~ ^{substantiated}. No malafides ~~are~~ attributed to the 3rd respondent, the per the impugned order. The learned counsel for the applicant had not drawn our attention to any statutory rule~~s~~ which states that all the seniors should be posted at the place of their request or that they have to be retained at Headquarters.

employee to make a representation to the higher authority, and such higher authority has to dispose of the same dispassionately on merit. Hence, ~~if~~ the applicant if so advised, may make a representation to the 1st respondent against the order dated 12.5.1994 to the extent of his transfer to Purna, and if such representation is going to be made to the 1st respondent by 30.6.1994, the

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300 P. J.

Copy to:-

1. The Divisional Railway Manager, (M.G)
S.C.Railway, Hyd. Division, Railnilayam,
Secunderabad.
2. The Senior Divisional Personnel Officer,
S.C.Railway, Hyd. Division, Railnilayam,
Secunderabad.
3. The Senior Divisional Mechanical Engineer,
S.C.Railway, Hyd. Division, Railnilayam,
Secunderabad.
4. One copy to Mr. S.Laxma Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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same has to be disposed of by the end of July, 1994 by the 1st respondent.

7. If in fact the applicant is not being paid the salary in the pay scale of Rs. 950-1500 even after ^{or merged at a later stage} the judgment in OA 777/88 is delivered, he is free to make a representation to the concerned authority, and if the applicant is going to be aggrieved by the ultimate order that will ~~xxxx~~ be passed on the basis of such representation in regard to his pay in the pay scale, ^{this Tribunal} he is free to move ~~and~~ challenge the same by filing an application under Section 19 of the Administrative Tribunals Act, 1985.

8. The OA is ordered accordingly at the admission stage. No costs.

dr
(R. RANGARAJAN)
MEMBER (ADMN.)

V.N.
(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 13th June, 1994.
Open court dictation.

vsn

Amulya
15-6-94
Deputy Registrar (J)

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