

34

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 711/94.

Dt. of Decision : 28.6.94.

Mr. P. Nageswara Prasad

.. Applicant.

Vs

1. The Director, I/C,
Meteorological Centre,
Hyderabad.

2. Dy. Director General of Meteorological
Regional Meteorological Centre,
50 College Road,
Madras - 600 006.

.. Respondents.

Counsel for the Applicant : Mr. Samineni Kishore

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. GORTHI : MEMBER (ADMN.)

36

G.A.NO.711/94

JUDGMENT

Dt: 28.6.94

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

Heard Shri Samineni Kishore, learned counsel for the applicant and Shri N.R.Devaraj, learned counsel for the respondents.

2. This OA was filed praying for declaration that the proceedings in No.3502/AE-008(C), dated 13.6.1994 issued by ^{R-1}~~R-2~~ is arbitrary, illegal and against the cannons of law.

3. The applicant is working as Scientific Assistant. By the Office Order dated 28.3.1994 of R-2, the applicant was transferred from Hyderabad to Bangalore and R-1, the Director, Meteorological Centre, Hyderabad Airport was asked to relieve the applicant on 15.4.94. The applicant applied for 15 days earned leave from 14.4.1994 with permission to prefix 12th and 13th April, 1994^{which} days were declared as holidays. The applicant was informed that the leave was granted to him as requested and he was instructed to report at Meteorological Centre, Bangalore on the expiry of the leave and the same was received by the applicant on 13.4.1994. Thereafter, the applicant extended the leave which was granted. Memo No.417/00674, dated 3.6.1994 from the office of R-2 was communicated to the applicant. Therein, it was stated that the applicant was posted at M.C., Hyderabad on the expiry of the leave. It is stated for the applicant that in pursuance of the same, he addressed the letter dated 11.6.1994 to R-1 that as per the memo dated 3.6.1994 of the office of the R-2,

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he would be joining duty on the forenoon of 14.6.1994 at Hyderabad. It is stated for the respondents that on receipt of the said letter dated 11.6.1994 from the ~~applicant~~ ~~respondent~~ R-1 was informed that in modification of the memo dated 3.6.1994, the applicant was instructed to report only at Bangalore and on that basis R-1 informed the applicant that he had to report at Bangalore only. Then the applicant approached this Tribunal for the above said relief.

4. Ofcourse, while the memo is dated 3.6.1994, in the message dated 13.6.1994, the date of memo was referred to as 1.6.1994. But the office UOI No.417/00674 tallys. Hence, it can be stated that what was referred to in the message dated 13.6.1994 of R-2 is the memo with UOI No.417/00674, dated 3.6.1994. In view of the above modification order, it can be stated that the applicant stands transferred to Bangalore only, and that the transfer ^{order} dated 28.3.1994 is not cancelled.

5. The applicant had not even alleged that either statutory rule is violated by virtue of his transfer to Bangalore from Hyderabad, nor he imputed any ~~note~~ ~~with~~ to R-2, the authority who passed the order of transfer. In view of the ~~latest~~ decision of the Supreme Court in AIR 1993 SC 1236 (Rajendra Roy Vs. Union of India and another), it is not open to the Court/Tribunal to

contd....

To

1. The Director, I/C,
Meteorological Centre,
Hyderabad Airport, Hyderabad.

2. The Deputy Director General of Meteorological
Regional Meteorological Centre

3. One copy to Mr. Samineni Kishore, Advocate, 3-6-369/A/12
1st street, Himayatnagar, Hyd.

4. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.

5. One copy to Library, CAT. Hyd.

6. One spare copy.

7. ^{pvm} The Director General Meteorological Centre, Mausam Bhawan,
Lodi Road, New Delhi.

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interfere with any order of transfer when there is no violation of any statutory rule nor any malafides are attributed. Hence, we cannot interfere ^{with} ~~in~~ the order ~~of~~ transferring the applicant to Bangalore.

6. But the learned ~~member~~ ^{applicant} submitted that out of 22 posts in the office of R-1, 2 posts are vacant and 10 out of 20 who are working in the office of R-1 are working ~~there~~ in this office since more than 10 years, and they were not disturbed and the applicant who had come to this office, from Kalingapatnam where he worked for about 3½ years, about 16 to 17 months back, ~~he~~ was disturbed from Hyderabad and even though it is stated that the transfer is in public interest, it is not explained ~~the reasons~~ as to how the transfer of the applicant is in public interest. They are the matters for consideration by the higher authorities. Hence, the applicant if so advised may submit a representation to the Director General, Meteorological Centre, Mausam Bhavan, Lodi Road, New Delhi, and if such a representation ~~is~~ is going to be made by 15.7.1994, the Director General, Meteorological Centre, New Delhi has to consider ^{the} ~~his~~ representation.

7. Subject to the above, the OA is dismissed at the admission stage. No costs.

(A.B.GORTHI)
MEMBER (ADMN.)

(V.NEELADRI RAO)
VICE CHAIRMAN

Dated: 28th June, 1994.
Open court dictation.

vsn

Handwritten signature
Deputy Registrar

cc. by way
IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL : HYDERABAD BENCH
HYDERABAD

Not urgent

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

and

A. B. Gorthi

THE HON'BLE MR. R. RANGARAJAN : M(A.

Date: 28-6-1994.

ORDER/JUDGMENT:

M.A. NO/R.A/C.P.

in

O.A. No.

711/94

Admitted and Interim Direction
Issued.

Dismissed

Allowed.

Disposed of with directions.

No order as to costs.

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