

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD.

O.A.NO. 603/95

DATE OF JUDGMENT: 5.5.95.

BETWEEN:

A. Baba Sankara Rao

...Applicant.

And

1. The General Manager,  
South Central Railway,  
Railnilayam,  
Secunderabad.
2. Senior Divisional Personnel Officer,  
South Central Railway,  
Vijayawada.

...Respondents.

COUNSEL FOR THE APPLICANT: SHRI P.Krishna Reddy

COUNSEL FOR THE RESPONDENTS: SHRI N.V. Ramana,  
Exx./Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN  
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

CONTD....

O.A.No.603/95.

JUDGMENT

Dt:5.5.95

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

Heard Shri P.Krishna Reddy, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the respondents.

2. While the applicant was working as Skilled Fitter Grade-III in Guntur, he was transferred to Narsapur by the order No.B/P.676/III/C&W/AG/Vol.III, dated 19.1.1995 (vide page 15 of the material papers). OA 311/95 was filed assailing the said transfer. The same was disposed of on 9.3.1995 with direction to the concerned authority to dispose of the representation of the applicant praying for his retention. But when ~~the~~ his request was not again acceded to and when R-2 passed the order dated 5.4.1995 requiring the applicant to carry out the transfer to Narsapur, this OA was filed today. It is stated that the applicant was relieved subsequent to 19.1.1995 and he is now on leave and he had not yet taken charge at Narsapur.

3. One of the contentions for the applicant is that in view of the compelling circumstances, the applicant is not in a position to move out of Guntur  
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*as such*  
and hence he had even declined ~~for~~ promotion to the post of Skilled Fitter Grade-II when it was offered in April 1994 and hence unless there are compelling reasons, the applicant should not be shifted from Guntur.

4. Even if an employee declines promotion on the ground that it is necessary for him to continue in the station in which he is working, there is no bar for the concerned authority to transfer him from that station if the exigencies demand.

5. One of the reasons stated for the applicant is ~~about~~ his ailment. In view of the said ailment of the applicant, we feel that it is just and proper to allow him to continue to work in Guntur for some more time ie., till the end of 1995 if the post in which the applicant is transferred is not yet regularly filled. Ofcourse, if in the meanwhile the turn of the applicant comes for promotion and if thereby the applicant has to be transferred from Guntur, it is open to the concerned authority to pass appropriate orders in regard to posting him <sup>Guntur or any</sup> at other station and it is for the applicant either to accept or not to accept the order of promotion.

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6. In the result, the OA is disposed of as under:-

If the post ~~in~~ <sup>from</sup> which the applicant is transferred is not yet filled on regular basis, he may be retained in the said post till the end of December 1995. It is subject to what is stated in para 5 above.

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

(R.RANGARAJAN)  
MEMBER (ADMN.)

V.NEELADRI RAO  
VICE CHAIRMAN

DATED: 5th May, 1995.  
Open court dictation.

*ASR* 850  
DEPUTY REGISTRAR(J)

vsn

To

1. The General Manager, South Central Railway, Railnilyam, Secunderabad.
2. The Senior Divisional Personnel Officer, South Central Railway, Vijayawada.
3. One copy to Mr.P.Krishna Reddy, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.V.Ramana, Addl. GSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

YLKR

VVS  
Given to day  
TYPED BY *[Signature]* CHECKED BY *[Signature]*  
COMPARED BY *[Signature]* APPROVED BY *[Signature]*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

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

AND

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

DATED - 5 - 5 1995.

ORDER/JUDGMENT:

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

O. A. No. 603/95 <sup>in</sup>

T. A. No. (W. P. )

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

*No Special C.P.W.*

