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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.663/95

Between:

Date of Order: 25.9.95.

P.S.R.Sharma

...Applicant.

And

1. Director General of EME,
Army Head Quarters, DHQ- PO,
New Delhi -110 011.
2. The Commandant,
1 EME Centre,
Secunderabad - 500 587.

...Respondents.

Counsel for the Applicant : Mr.V.Venkateswar Rao

Counsel for the Respondents : Mr.N.V.Ramana, Addl.cGSC.

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE CHAIRMAN

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

contd...

OA 663/95.

Dt. of Order: 25-9-95.

(Order passed by Hon'ble Justice Shri V. Neeladri Rao,
Vice-Chairman)

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The applicant, who is the Sr.Training Technical Instructor (STTI) in 1 EME Centre, Secunderabad, was transferred from Secunderabad to Bhopal as per impugned order dt.11-3-95. The same is assailed in this O.A. It is stated for the Respondents that as there is surplus in regard to the Sr. Technical Training Instructor in the office of the EME Centre at Sec'bad, it had become necessary to transfer one from Sec'bad. The Respondents are relying upon ROI No.9/89 to urge that as per para-8, the senior most at the station has to be transferred.

2. It is not in controversy that if the period of stay of the applicant as Jr. Technical Training Instructor (JTTI) is also taken into consideration, he is the senior most at the Sec'bad Station. But if the service in the senior Technical Training Instructor alone has to be taken into consideration, the applicant is not the senior most at the Sec'bad.

3. Para-8 (b) of the ROI states that the matter has to be referred to the Director General, if deviation from the above provisions have to be made. The applicant met with an accident on 6-7-92 and he had undergone operation and it is stated that he has to undergo further operation in M.I.M.S. and in view of the injury to the foot and leg, he is not in a position to walk freely and he cannot shift the family as his children are studying in Sec'bad. Hence it is submitted for the applicant

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that the Director General may be required to consider his case for retention at Sec'bad in the post of STTI and if for any reason it is not possible to retain the applicant in that post at Sec'bad, he may be reverted to the post of JTTI and he can be retained in that post in Sec'bad for there is already a vacancy in the said post in the EME Office, Sec'bad.

4. We feel that in the circumstances it is just and proper to require the Director General, EME, New Delhi (Respondent No.1) to consider the case of the applicant for retention at Sec'bad in the cadre of STTI or atleast to consider his case for reversion to the post of JTTI and post him in that cadre in the EME Office at Sec'bad. As it is stated that the applicant had already exhausted the leave, the Respondent No.1 has to consider the same expeditiously.

5. For the above reasons, we are not inclined to at this stage to interpret the scope of para-8(a) of ROI No.9/89.

6. In the result, Respondent No.1 is required to consider the case of the applicant for retention in the EME Office, Sec'bad either in the category of STTI, and if it is not possible to retain him in that post, to consider his case for reversion as JTTI for posting in the vacancy in the said post in the EME Office, Sec'bad, which is said to be existing according to the applicant.

Respondent No.1 has to consider the same expeditiously and pre-

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ferably by 31-10-95. If the applicant is going to apply for leave not due, the same has to be considered. The O.A. is ordered accordingly. No costs.//

One

(R.RANGARAJAN)
Member (A)

Welsh
(V.NEELADRI RAO)
Vice-Chairman

Dt. 25th September, 1995.
Dictated in Open Court.

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Authorised
DEPUTY REGISTRAR(J)

To

1. The Director General of EME,
Army Head Quarters, DHQ - PO,
New Delhi - 110 011.
2. The Commandant,
1 EME Centre,
Secunderabad - 500 587.
3. One copy to Mr.V.Venkateswar Rao, Advocate,
CAT, Hyderabad.
4. One copy to Mr.N.V.Ramana, Addl.CGSC,
CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

YLKR

Vijay Salal
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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(ADMN)

DATED:- 25 - 9 - 1995.

ORDER/JUDGMENT.

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

in

O.A.No. 663/95

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.

pvm.

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