

(35)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD.

O.A.NO.794 of 1995.

Between

Dated: 13.2.1996.

N.Veera Bhadraiah

...

Applicant

And

1. Superintendent of Post Offices, Hanumakonda Division,  
Hanumakonda.
2. Director of Postal Services, Hyderabad Region, Hyderabad.
3. Post Master General, Hyderabad Region, Hyderabad.

...

Respondents

Counsel for the Applicant : Sri. S.Ramakrishna Rao

Counsel for the Respondents : Sri. K.Bhaskara Rao, Addl. CGSC

CORAM:

Hon'ble Mr. R.Rangarajana Administrative Member

Contd:..2/-

JUDGEMENT

Dt:13.2.96

Heard Shri S.Ramakrishna Rao, learned counsel for the applicant and Shri Kota Bhaskar Rao, learned standing counsel for the respondents.

2. The applicant in this OA is a Postal Assistant (HSG-II BCR). While he was working in the above capacity at Hanumakonda, he was transferred by the order No.ST/5-3/BCR/HNK/II dt.30.5.94 (vide Annexure-II) to Kazipet by R1. In that order, there was no mention that the above transfer is under immunity condition. It is stated for the applicant that it is a general transfer and it does not come under immunity transfer scheme. However, a Corrigendum dt.8.11.94 (Annexure-III) was issued treating his transfer as immunity transfer for one year. He represented against the Corrigendum which treats his transfer to Kazipet as immunity transfer and submitted that he was transferred to Kazipet on general transfer basis and hence entitled to be retained at Kazipet for a tenure of four years. It is reported that no reply has been given for the representation.

3. In the meanwhile, by the impugned transfer order dated 19.5.95 (Annexure-I), he was transferred as Sub Post Master, Raghunathapalli Sub Office. Against this transfer, he made an appeal. In his appeal he also stated that there is violation of the rules for general transfer and questioned the validity of issuing the immunity transfer

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order. But it is stated that no reply has been received for this representation from R-3.

5. This OA was filed for setting aside the impugned Corrigendum dt.8.11.94 issued by R-2 treating his transfer to Kazipet SO vide memo dt.30.5.94 under immunity for one year with retrospective effect by holding it as illegal, arbitrary, capricious and unwarranted which was said to be an after thought as he was originally transferred under general transfers and for further direction for allowing the applicant to work as BCR PA at Kazipet SO.

6. The applicant had already carried out his transfer as SPM to Raghunathapalli SO. There is no challenge in this OA in regard to his transfer to Raghunathapalli. But even if there is any challenge for his transfer to Raghunathapalli, the same becomes infructuous as he had joined at Raghunathapalli. But it appears that no clear cut instruction is available with the authorities working under R-3 in regard to transfers ordered under immunity clause and retention of the employee under the station tenure basis. In view of the above, R-3 has to give suitable orders in regard to the above and on that basis the lower authorities may review the transfer orders of the applicant if found necessary.

7. In the result, the following direction is given:

R-3 should issue instructions in regard to the conditions of immunity trtransfer and also retention of the


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applicant under Station Tenure if he is transferred on the basis of general transfer. If instructions <sup>are</sup> already existing in this connection, the same should be reiterated to ~~agitate~~ the officials working under R-3 in various divisions. R-2 is directed to review the case of the applicant in regard to his transfer if found necessary on the basis of the instructions to be issued by R-3 as directed above.

8. The OA is ordered accordingly. No costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated: 13th February, 1996.  
Open court dictation.

vsn

  
Deputy Registrar (Judl.)

Copy to:-

1. Superintendent of Post Offices, Hanumakonda Division, Hanumakonda.
2. Director of Postal Services, Hyderabad Region, Hyderabad.
3. Post Master General, Hyderabad Region, Hyderabad.
4. One copy to Sri. S. Ramakrishna Rao, advocate, CAT, Hyd.
5. One copy to Sri. K. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

9.13.96  
TYPED BY  
COMPARED BY

DA-794/95  
CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD.

*R. Ranganathan*  
HON'BLE SHRI ~~A.B. GORTHI~~: MEMBER(A)

~~HON'BLE SHRI~~

DATED: 13/2/96

~~ORDER/JUDGMENT~~

~~M.A. NO./R.A./C.A. NO.~~

IN

O.A. NO. 794/95

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

\* \* \*

*No false copy*

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण/DESPATCH

29 FEB 1996

हैदराबाद ब्याचपीठ  
HYDERABAD BENCH