

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..  
O.A.No. 87/95.

Date of decision: April 11, 1997.

Between:

1.S.Satyanarayana.  
2.S.Ramanujaya.  
3.K.Sreeramulu.  
4.P.Appa Rao.

.. . Petitioners.

And

1. Government of India represented by its Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. Chief of Naval Staff, Naval Headquarters, New Delhi.
3. Flag Officer, Commanding-in-Chief, Headquarters-Eastern Naval Command, Visakhapatnam.
4. General Manager, Naval Armaments Dept., NAD, Visakhapatnam -9.

Respondents.

Counsel for the applicants: Sri P.B.Vijayakumar.

Counsel for the respondents: Sri N.R.Devraj.

JUDGMENT.

(By Hon'ble Shri R. Rangarajan, Member (A))

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Heard Sri P.B.Vijaya Kumar for the applicants and Sri W.Satyanarayana for Sri N.R.Devraj for respondents.

There are four applicants in this O.A. While the applicants were working in the Industrial Section

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as MT Drivers at NAD, Visakhapatnam, ...

transferred to Non-industrial Section as per Movement

Orders dated 23--1--1995.

The applicants in this O.A., questioned the transfer as they had not completed 10 years of service in the Industrial Section and thus it is against the terms of Transfer Policy.

This O.A., is filed challenging the impugned transfer Policy for MT Drivers of Eastern Naval Command, Visakhapatnam and for a consequential direction to set aside this Transfer Policy by holding the same as arbitrary, illegal and discriminatory.

An interim order was passed in this O.A., on 27--1--1995. As per the Interim Order, the Movement Order dated 23-1-1995 issued to the applicants transferring them from Industrial Section to INS Circars was kept suspended until further orders.

No reply has been filed by the respondents in this connection. However, the learned counsel for the Respondents was present and putforward his pleads.

It is now stated that Applicant Nos., 1 and 2 had already retired from service in June and July, 1996 respectively. Hence this O.A., does not survive

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any more in regard to Applicant Nos., 1 and 2.

It is further stated that Applicant No.3 is retiring on 31-12--1997 and hence ~~is~~ his transfer to non-industrial section will <sup>surely</sup> clearly affect his pension and pensionary benefits. Hence, he requests that his case may have to be considered sympathetically. It is further stated that the Transfer Policy also has been reviewed recently and in that context his request for retention in the Industrial Section may be considered. It is further stated that Applicant No.3 has short service only over two years on the date of issue of Movement Order dated 23-1-1995 and hence his case may have to be considered giving some relaxation. I do not consider any necessity to give any positive direction in this connection. The only direction that can be given to the respondents is, to consider the representation of the applicant No.3, if he submits one, in accordance with law taking note of the submission that he ~~is~~ has ~~to~~ ~~xxxxxx~~ within ~~xxxxxx~~ 8 months' time to retire and also keeping in view, the loss that he may have to incur because of his transfer to non-industrial section and dispose of his representations suitably.

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It is stated that Applicant No.4 will be retiring on 30--7--1999 and he will submit a representation in this connection for retention in the Industrial Section. However, it is left to the Department to consider his representation in accordance with law on the basis of merits of the case.

The challenge to the Transfer Policy has not been decided in this O.A., but left ~~is~~ open as it is stated that the new policy had already come into force. However, the applicants are free to agitate before the Appropriate Authority, if they feel necessary in regard to the Transfer Policy issued recently.

It is made clear, that Applicant Nos., 3 and 4 should submit their representations to the Authorities within ten days from today and that they shall not be disturbed from the present Section till the disposal of their representations.

With the above observations, the O.A., is disposed of. No costs.

  
(R. RANGARAJAN)  
Member (A)

Date: 11--4--1997.

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Dictated in open Court.

  
DR (S) 28-4-97

sss.

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Copy to:

1. The Secretary, Min. of Defence, Govt. of India, New Delhi.
2. Chief of Naval Staff, Naval Head Quarters, New Delhi.
3. The Flag Officer, Commanding in Chief, Head Quarters, Eastern Naval Command, Visakhapatnam.
4. General Manager Naval Armament Depot.. NAD.
5. One copy to Mr.P.B.Vijaya Kumar, Advocate,CAT, Hyderabad.
6. One copy to Mr.N.R.Devraj, Sr.CGSC,CAT,Hyderabad.
7. One copy to D.R(A), CAT,Hyderabad.
8. One duplicate copy.

YLKR

12/6/97

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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.R.UGRAJAN : M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR:  
M(J)

DATED: 11/4/97

ORDER/JUDGEMENT

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

in

D.A.NO. 87/95

ADMITTED INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF ~~WITH DIRECTIONS~~  
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

II COURT

