

(30)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.1103 of 1995.

Dated: 9.5.1996.

Between

T.V.S.Kumar Reddy

...

Applicant

And

1. The Sub Divisional Officer(Phones), Kakinada.
2. The Divisional Engineer, Telecommunications(Maintenance), Kakinada.
3. The General Manager, Telecommunications, Rajahmundry.
4. The Chief General Manager, Telecom. A.P.Circle, (Rep. Union of India), Hyderabad.

... Respondents

Counsel for the Applicant : Sri. S.Ramakrishna Rao

Counsel for the Respondents : Sri. V.Rajeshwar Rao, Addl. C

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd: ...2/

O.A.No.1103/95

Dt. of decision: 9-5-1996

JUDGEMENT

I Per Hon'ble Sri R.Rangarajan, Member (A) I

Heard Sri S.Ramakrishna Rao, learned counsel
for the applicant and Sri Rajeshwar Rao, the learned
standing counsel for the respondents.

2. The applicant in this O.A. was initially engaged
as a Casual Mazdoor. He was selected as a regular
mazdoor and was directed to report to S.D.O.Phones,
Kakinada for appointment as a regular mazdoor in terms of
Office Order No.E.17/Rectt/1987/37, dt.19-12-1987 (Annexure-
II). In the above said office order R-1 was directed to
appoint the applicant after due verification of the reports.
Hence, it is stated for the applicant that the S.D.O.
Phones, Kakinada is the appointing authority for him and
that authority had confirmed him also w.e.f. 21-12-1989
as per the Memo. No.E.20/RMs/89-90/Confirm/47, dt.20-12-90
(Annexure-III). He was transferred by the Divisional
Engineer, Telecommunications, Kakinada (R-2 herein) from
Kakinada to Chintapalli under S.D.O.(T), Mandapeta vide
Office Order No.B.11/Trfs&Postings/92-93/153, dt.19-7-94
(Annexure-I).

3. Challenging the above transfer order he filed
O.A.No.343 of 1995 on the file of this Tribunal which was

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disposed off by the order dt.15-3-95. As per the directions of this Tribunal in the above referred O.A., he made a representation to G.M. Telecom., Rajahmundry either for his retention at Kakinada or to transfer him to any place within the jurisdiction of S.D.O.Phones, Kakinada (R-1 herein) vide his representation dt.27-6-95 (Annexure-20). In that representation he had also mentioned in regard to health condition of his wife which needs medical care at Kakinada and also other grounds for his retention. That representation was disposed off by the letter No. E-14/RM/Trfs/94/125, dt.4-8-95 rejecting his request for his retention at Kakinada, and also advising him to join at Chintapalli.

4. Aggrieved by the above, he has filed this O.A. for setting aside the impugned order No.B.II/Trfs&Postings/92-93/153, dt.19-7-94 (Annexure-I) holding it as malafide, arbitrary and for a consequential direction to retain him at Kakinada and awarding him the costs for this litigation.

5. The contention in this O.A. and the grounds taken for retaining him in Kakinada cancelling the impugned transfer order is similar to the grounds taken in O.A. 992/95 which was disposed off today. The applicant in O.A.992/95 was also transferred to Adamuru under S.D.O. M.P.T. with Headquarters at Angara, by the same impugned order dt.19-7-94 by the Divisional Engineer, Telecom, Maintenance, Kakinada. In that O.A. also the main ground

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taken for assailing the transfer order dt.19-7-94 was that the Divisional Engineer, Telecom, Kakinada is not competent to transfer the applicant therein and it is only the S.D.O.Phones, Kakinada the competent authority to transfer the applicant therein and that too within the permissible jurisdiction of S.D.O.Phones, Kakinada. That contention was upheld and the transfer order so far it concerns the applicant in that O.A. was set aside. But it was held therein that the setting aside of the transfer order in that O.A. shall not prohibit the competent appointing authority to transfer the applicant in that O.A. to the permissible place under his jurisdiction if the circumstances so warrant and the competent authority is also so advised.

6. In view of the fact that this O.A. is similar in regard to the contentions and the prayer in O.A. No.992/95, this O.A. should also be disposed off in the same lines for reasons stated in that O.A.

7. The transfer order transferring the applicant in this O.A. also cannot be sustained for reasons stated in O.A.992/95. However, the setting aside of this transfer order shall not prohibit the competent appointing authority to transfer the applicant herein to the permissible place under his jurisdiction if the circum-

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stances so warrant and the competent authority is also so advised.

8. In the result, the impugned transfer order No.B.11/Trfs&Postings/92-93/153, dt.19-7-94 so far as it concerns the applicant (Annexure A-1) is set aside, subject to the observation made in para 7 supra. The applicant should be posted back in the appropriate category under SDO Phones, Kakinada (R-1 herein) when he reports for duty with this order. The period of his absence from the date of his relief till he reports to R-1 with this order should be treated as leave due to him inclusive of leave without pay in accordance with rules. No costs.

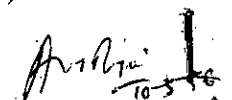


(R. Rangarajan)
Member (A)

Dated

9/5/96

kmv


10-5-96
Dy. Registrar (3)

Copy to:-

1. The Sub Divisional Officer(Phones), Kakinada.
2. The Divisional Engineer, Telecommunications(Maintenance), Kakinada.
3. The General Manager, Telecommunication, Rajahmundry.
4. The Chief General Manager, Telecommunications, A.P. Circle, (Rep. Union of India), Hyderabad.
5. One copy to Sri. ^{S. Ramakrishna Rao,} ~~S. Ramakrishna Rao,~~ advocate, CAT, Hyd.
6. One copy to Sri. V. Rajeshwar Rao, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 9/5/96

~~ORDER/JUDGEMENT~~

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

B.A. NO.

IN
1103/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDERS AS TO COSTS~~

No Spare Copy

