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CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 1129/95.

Date: August 19, 1996.

Between:

B. David Raju. Applicant.

And

1. General Manager, Telecom District,
Rajahmundry, East Godavari Dt.

2. Sub Divisional Officer, (Telecom),
Razole, East Godavari Dt.

3. Sub Divisional Officer, (Telecom),
Ravulapalem, East Godavari Dt. Respondents.

Counsel for the Applicant: Sri G.V.R.S. Vara Prasad.

Counsel for the Respondents: Sri N.R.Devraj, Standing Counsel
for the Respondents.

ORDER BY:

HON'BLE SHRI R.RANGARAJAN, MEMBER (A)

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ORDER

The applicant while he was working as Sub Inspector(O) Malikipuram Telephone Exchange under the control of Respondent No.2 was transferred to Delta Gannavaram under the control of Respondent No.3 by the impugned Order d/28.4.1995 (Annexure-I). This transfer order is assailed here.

2. For assailing the transfer Order, the main contentions of raised in this O.A., are as follows:

- 1) The applicant was taken up under disciplinary rules for the alleged mis-use of a telephone of a public subscriber in that he made



telephone calls from that number to his wife who is at Kuwait (Gulf) on 16-1-1995 and 17-1-1995 in connivance with Sri G.Pullayya, Sub Inspector(O) of Sakhinetipalli. The applicant submits that ~~xxx~~ he was punished in that case imposing a penalty of stoppage of one increment without cumulative effect.~~xxx~~ By transferring him to Delta Gannavaram he was once again punished for the same allegation and hence it is a case of double jeopardy. Further Sri G.Pullayya is not taken up which reveals that the respondents are biased against him.

- ii) Even in the said Exchange at Malikipuram there are seniors to him who were working in that Exchange for a longer period than the applicant. But they were not transferred and he is singled out for this transfer. Hence the rule that those who have put in more than three years of service in one station has to be transferred is not adhered to and he was transferred arbitrarily without any rhyme or reason.

3. The applicant submitted a representation dated 14--7--1995 to Respondent No.1 for retaining him at Malikipuram but that representation is not replied so far. He further submits, that though he joined at Delta Gannavaram, his retransfer back to Malikipuram is essential in view of his school going children.

4. No reply has been filed by the respondents though the case was admitted on 25-10-1995 and further adjournment was given on 14-8-1996 at the request of the standing counsel for filing the reply.

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5. The Apex Court now and then emphasising the fact that the transfer orders can be interfered with only in cases of malafides or violation of statutory rules. Notwithstanding with these observations of the Hon'ble Supreme Court, I am of the opinion that the instant case needs to be looked into by the Higher Authority as his earlier representation dated 14--7--1995 is not replied and also no reply has been filed by the respondents in this O.A.

6. As the applicant submits that he has been penalised twice by way of stoppage of increment without cumulative effect and by transfer for the alleged involvement in making irregular telephone calls from a private phone, it is preferable that the case has to be sent for consideration to the Chief General Manager who is the head of the Organisation who cannot be influenced by any persons connected in this case. The applicant submits that he will file a fresh representation to the Chief General Manager narrating the case fully and also bringing out the facts that he is in no way involved in the case in regard to the allegation of mis-use of a public telephone. Hence I feel that the ends of justice will be met if such a representation submitted by the applicant, *the same* is disposed by the Chief General Manager in accordance with the rules uninfluenced by the officials connected in this case at the Regional centre.

7. The applicant should submit a fresh representation by Regd. Post with Ack., due within a fortnight from the date of receipt of the judgment to the Chief General Manager, Telecom Circle, Andhra Pradesh and on receipt of such representation, the Chief General Manager, Telecom Circle should dispose of the same looking into the case in its

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entirety in accordance with the rules within 45 days from the date of receipt of the representation of the applicant.

In the result the following direction is given:

The applicant, may, if so advised, submit a detailed fresh representation by Regd. Post with Ack., due to the Chief General Manager, Telecom Circle, Andhra Pradesh on or before 16--9--1996 for transferring him back to Malikipuram Exchange. On receipt of such representation from the applicant, the Chief General Manager, Telecom Circle, Andhra Pradesh should dispose of the same after looking into various aspect of the case and decide the issue judiciously without being influenced by any persons connected in this case. In case the applicant requests for a personal hearing in his representation the Chief General Manager may give him a chance to hear his case. Time for compliance is 45 days from the date of receipt of the representation from the applicant.

8. The O.A., is ordered accordingly. No costs.



R. RANGARAJAN,
MEMBER (A)

Date: August 19, 1996.

Pronounced in open Court.

Handwritten notes:
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By Registrar (S)

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QA.1129/95.

Copy to:-

1. The General Manager, Telecom District, Rajahmundry, East Godavari Dist.
2. Sub Divisional Officer, (Telecom), Razole, East Godavari District.
3. Sub Divisional Officer(Telecom), Ravulpalem, East Godavari District.
4. One copy to Sri. G.V.R.S.Vara Prasad, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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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. RANGARAJAN : M(A)

DATED: 19/8/96

ORDER/JUDGEMENT

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

IN

B.A. NO.

1129/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

No Spare Copy

