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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO. 1162 of 1995.

Between

Dated: 29.1.1996.

T.Krishna Murthy

...

Applicant

And

1. Chief General Manager, Department of Telecommunications, 1st floor, Sanchar Bhavan, Nampally road, Hyd.
2. General Manager, Department of Telecommunications, Sanchar Bhavan, Nampally road, Hyderabad.
3. Telecom District Engineer, O/O Telecom Engineer, Opp. to Dist. Collectorate Building, Adilabad.

...

Respondents

Counsel for the Applicant : Smt. C.Vani Reddy

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

CORAM:

Hon'ble Mr. A.B. Gorthi, Administrative Member

Contd: ...2/-

X As per Hon'ble Shri A.B.Gorthi, Member (Admn.) X

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The applicant requested for transfer from Adilabad to Warangal on account of his domestic problems. His request having been accepted by the competent authority the applicant was transferred from Adilabad to Warangal vide memo dated 5.6.95 issued by the office of the Chief General Manager, Telecom, Hyderabad. According to the applicant, ^{he} submitted the charge report to the Telecom District Engineer, Adilabad but for some reasons he was not relieved. Surprisingly another memo was issued, once again from the office of the Chief General Manager, A.P. Telecom, Hyderabad stating that the earlier transfer order stood cancelled. Aggrieved by the same the applicant represented to the General Manager (Finance) Hyderabad but without any success.

2. The respondents in their reply affidavit have not disputed the afore-stated averments made in the OA, but contended that the applicant did not completing ² 2 years at Adilabad and as such he was not entitled to ask for request transfer prior to 24.4.96. The second issue raised by the respondents is that the TDE, Adilabad and that area CAO, Warangal made a report that the applicant's behaviour was rather indifferent resulting in administrative inconvenience. It was on account of this that a decision was taken to cancel the order dt. 5.6.95 transferring the applicant from Adilabad to Warangal.

3. Mrs. C.Vani Reddy, learned counsel for the applicant contended that the impugned order cancelling the transfer order is liable to be quashed, As the respondents acted without authority and without complying with the principles of natural justice. Her contention ^{to} that once the employee's

Copy to:-

1. Chief General Manager, Department of Telecommunications, Ist Floor, Sanchar Bhavan, Nampally road, Hyderabad.
2. General Manager, Department of Telecommunications, Ist floor, Sanchar Bhavan, Nampally road, Hyderabad.
3. Telecom District Engineer, O/O Telecom Engineer, Opp. To Dist. Collectorate Building, Adilabad.
4. One copy to Smt. C.Vani Reddy, advocate, Advocate Associations, High Court, Hyderabad.
5. One copy to Sri. K.Bhaskara Rao, advocate, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-


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request for transfer was accepted and the transfer order was issued the same cannot be cancelled in the manner in which it was done. The respondents version that the applicant's attitude was indifferent has been strongly denied by the applicant's counsel. It is further pleaded that the impugned cancellation order was issued without even a notice to the applicant.

4. It cannot be stated that a transfer order once issued cannot be cancelled. It is purely ^{an} administrative matter on which the competent authority has the power to act. So long the competent authority acted within the bounds of law and without malice the same cannot be nullified by the Tribunal. I therefore find that the impugned order dated 2.8.95 is not liable to be quashed.

5. It is seen from the reply affidavit of the respondents that one of the reasons advanced in support of the impugned order is that the applicant's request for transfer to Warangal could not have been considered prior to completion of 2 years tenure at Adilabad. The applicant has since completed 2 years at Adilabad. Secondly there was nothing on record to indicate that any disciplinary proceedings are pending against the applicant. Merely because some superior officials of the applicant were not satisfied with the attitude or behaviour of the applicant, the respondents need not have cancelled the transfer order. It will be unfair if the request of the applicant for transfer to Warangal is cancelled for ever. Accordingly this OA is disposed of with a direction to the respondents to keep alive the request of the applicant ^{for transfer} to Warangal and consider the same as early as is administratively feasible. OA is ordered accordingly. No costs.


A.B. GORTNI)
Member (Admn.)

Dated: 29th January, 1996
(Dictated in Open Court)

sd

DR. (S) 29/1/96
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TYPED BY
COMPARED BY

DA-1162/95

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.GORTHY : MEMBER(A)

HON'BLE SHRI

DATED: 29/1/96

ORDER/JUDGMENT

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

O.A.NO.

IN
1162/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

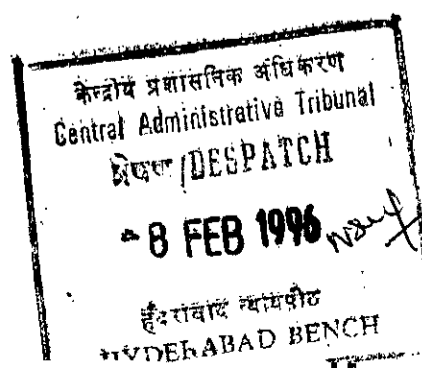
DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

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