

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A. NO. 1163/95

Between:

Date of Order: 3.11.95.

Dr. S. R. Gurumukhi

...Applicant.

And

1. The Secretary,
Ministry of Labour,
Shramashakti Bhawan,
2 & 4, Baji Marg,
New Delhi.
2. The Director General/
Joint Secretary,
Employment Training,
Ministry of Labour,
Govt. of India,
New Delhi.
3. The Director,
Advanced Training Institute,
Vidyanagar,
Hyderabad.

...Respondents.

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondents : Mr. N. R. Devraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A. B. GORTHI : MEMBER (A)

contd...

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

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The grievance of the applicant is against his transfer from his present establishment namely Advanced Training Institute, Hyderabad to Field Training Institute, Jamshedpur.

2. The applicant who belongs to S.T. Community is a

... in Advanced Training Institute. Ministry of Labour, Hyderabad and is presently officiating in the higher post of Joint Director of Training. He has hardly done 4 years at Hyderabad when the impugned order dt. 12/13-9-95 was issued transferring him to F.T.I., Jamshedpur. The order states that he would be relieved w.e.f. 20.9.95.

3. On 14.9.95 the applicant submitted a representation

to the Director General/Joint Secretary, Directorate General of Employment and Training, Ministry of Labour, New Delhi requesting that his transfer to Jamshedpur be cancelled. The main ground put forward in the representation is that the impugned transfer would adversely affect the academic future of his children. He also stated that there is already a post of Deputy Director vacant at Hyderabad and that he can therefore be retained at Hyderabad. He stated that he was however willing to be transferred to Maharashtra which would help him in the matter of arranging the marriage of his daughter.

4. When the case came up for admission on 29.9.95 it

was adjourned giving an opportunity to the respondents to dispose of the representation of the applicant. I am now informed that the representation of the applicant has been considered but rejected by the competent authority.

5. Mr. S. Ramakrishna Rao, learned counsel for the applicant has stated that the children of the applicant are studying in the Central School, Hyderabad and that there is no Central School at Jamshedpur where they could pursue their studies without any interruption. He also brought out the difficulty in the children getting admission into Professional Courses in any other State because they would not have much State. The contention of the applicant's counsel is that the transfer order was issued for the purpose of harassing the applicant as would be evident from the fact that several other employees of the A.T.I. who had stayed in Hyderabad for 10 years or so are being retained. Moreover the applicant became due for promotion in 1993 itself and as such it is likely that he would be promoted at any time, and in which case he may have to be retransferred from Jamshedpur to another place.

6. What all is urged by the applicant's counsel is a matter which is exclusively for the department to consider. In this context we find that the representation made by the applicant has already been considered and rejected.

7. It is settled law that the validity of transfer, which is an incident of service can be challenged either on the ground that it is in violation of any statutory rule or on the ground that it was the result of malafide action. In the instant case the order of transfer suffers from any such irregularity as would justify intervention.

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8. Mr. N.R. Devraj, learned standing counsel for the respondents stated that in case the applicant so desires the respondents would certainly and favourably consider permitting him to retain his government accommodation at Hyderabad till the end of academic year so that the family members can stay there and the children can pursue their studies till the end of academic session without any interruption.

9. In the result, the OA is dismissed without any order as to costs.

transcript
(A.B.GORTHI)
Member (Admn.)

Dated : 3rd November, 1995

(Dictated in Open Court)

sd

Amrit
3/11/95
DEPUTY REGISTRAR(J)

To

1. The Secretary, Ministry of Labour, Govt. of India, Shrama Shakti Bhavan, 2 & 4 Rafi Marg, New Delhi.
2. The Director General/ Joint Secretary, Directorate of Employment Training, Ministry of Labour, Govt. of India, New Delhi.
3. The Director, Advanced Training Institute, Vidyanagar, Hyderabad.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. N.R. Devraj, Sr. B.G.S.C, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B., GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 3/10/1995.

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

IN

O.A.NO. 1163/95

T.A.NO. (W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

* * *

Rsm/-

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