

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1549/95

Between:

Date of Order: 18.12.95.

T.Nageswar Rao

...Applicant.

And

1. The General Manager,
South Central Railway,
Railnilayam,
Secunderabad.
2. The Chief Electrical Engineer,
South Central Railway,
Railnilayam,
Secunderabad.
3. Senior Divisional Electrical Engineer(TRD),
South Central Railway,
Sanchalan Bhawan,
Opp. Rail Nilayam,
Secunderabad.

...Respondents.

Counsel for the Applicant : Mr.G.Ramachandra Rao

Counsel for the Respondents : Mr.N.V.Ramana, Addl.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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Heard Shri G.Ramachandra Rao, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the respondents.

2. The grievance of the applicant is on account of the impugned order dated 13.12.95 issued by the Divisional Railway Manager (Personnel Branch) S.C.Railway, Secunderabad transferring the applicant from Secunderabad to Khazipet.

3. The applicant states that he has been working as Chief Traction Power Controller in the office of Senior Divisional Electrical Engineer (Traction Distribution) w.e.f. 8.2.91. The contention of the applicant is that all along ^{he has been} he has been working in such appointments on account of which he is well experienced in the duties pertaining to traction power control. He is not well conversant with the duties pertaining to maintenance of Over Head Equipment and as such his transfer to Khazipet in the post of Junior Engineer Over Head Equipment will not only cause considerable hardship to him but also will not be in the interest of the service. Further, it is stated that the applicant who is now 55 years old is left with hardly 3 years service to proceed on retirement. He has 2 college going children whose studies will be adversely effected in case of his transfer at this juncture. He further pleaded that he is not keeping good health and suffering from blood sugar for which he is receiving treatment from L.G.D. Railway Hospital. Finally the applicant requested that he could be considered for transfer as PTA/HQ Secunderabad or CTPC, Vijayawada Division or CTFO/PSI in Vijayawada Division. He also stated that he had earlier given option to go to Railway Electrification, Vijayawada. For these reasons it is urged that the transfer order be set aside.

To be sent to the following:

1. The General Manager,
South Central Railway,
Railnilayam,
Secunderabad.
2. The Chief Electrical Engineer,
South Central Railway,
Railnilayam,
Secunderabad.
3. Senior Divisional Electrical Engineer (TRD),
South Central Railway,
Sanchalan Bhavan,
Opp. Railnilayam,
Secunderabad.
4. One copy to Mr. G. Rama Chandra Rao, Advocate,
CAT, Hyderabad.
5. One copy to Mr. N. V. Ramana, Addl. CGSC,
CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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4. Learned standing counsel for the respondents has stated that the applicant's representation dated 6.12.95 is under consideration by the competent authority namely the Chief Electrical Engineer. He has also shown the record relating the transfer of the 3 employees whose names figured in the impugned transfer order dated 13.12.95. From that it appears that the performance of the applicant as CTPC, at Secunderabad is not satisfactory.

5. Learned counsel for the applicant has pleaded that the transfer of the applicant is more in the nature of accomodating other employees whose transfers, as per the impugned order, ~~are~~ at their own request. As the applicant's performance in a job in which he is not experienced may not be up to mark and will not be in the interest of the department, the respondents should objectively and sympathetically consider the plea put forward by the applicant in his representation dated 6.12.95.

6. Having heard learned counsel for both the parties I am ^{of the considered view} that this application can be disposed of at the admission stage itself with the following directions to the respondents:-

(1) The representation dated 6.12.95 submitted by the applicant addressed to Respondent No.2 shall be disposed of by the later on or before 5.1.96. The decision of Respondent No.2 shall be communicated to the applicant.

(2) Pending action as above by Respondent No.2, the impugned order dated 13.12.95 shall not be given effect ~~so far~~ as the applicant is concerned.

The O.M. is ordered accordingly. No. costs.

transcript
(A.B.GORTI)

Member (Admn.)

Dated: 18th December, 1995

(Dictated in Open Court)

D.R (S) 18/4/95

C.C. today

In the C.A.T, Hyd. Bench, Hyd.

Hon'ble shri A.B. Gothi: H (A)

rt. 18.12.95

O.A. 154(9)95

O.A. order

No

