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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD

DA 491/95.

Dt. of Order:19-4-95.

K.Krishna

... Applicant

Vs.

1. Sr.Superintendent of Post Offices,  
Hyderabad South East Division,  
Kachiguda, Hyderabad.
2. Director of Postal Services,  
Hyderabad City Region, O/o P.M.G.,  
Hyderabad.
3. Chief Postmaster General,  
A.P.Circle, Hyderabad.

... Respondents

\* \* \*

Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

\* \* \*

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

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

\* \* \*

CP2

O.A.No.491/95.

Dt. of Order:19-4-95.

(Order passed by Hon'ble Shri Justice V.Neeladri Rao,  
Vice-Chairman)

\* \* \*

By impugned order dt.5-12-94, the applicant who is working as S.P.M.(Sub-Post Master) in C.R.P.Camp Sub-Office, Hyderabad, transferred to Yacharam. The same is assailed in this Original Application.

2. The applicant is in the cadre of LSG. It is stated that he is residing in Rajendra Nagar and as his health is not good, it has become necessary for him to take medicines and much hardship is caused to him in view of the transfer to Yacharam, which is about 50 k.m. from Rajendranagar and the applicant will not be in a position to shift his residence to Yacharam as there are not sufficient medical facilities.


3. In pursuance of the directions from this Bench, the relevant file is produced. It is stated that the transfer of the applicant from the camp office is in public interest. There is nothing to indicate that there are no grounds for transfer of the applicant from this camp office.

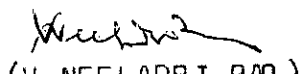
4. It is clear even from the order dt.26-5-94 in Memo No.87-3/832 vide Annexure-V (page 16 & 17 of the material papers in the Original Application) that the applicant is not keeping good health. It is not clear from the file produced as to whether that fact was taken into consideration in

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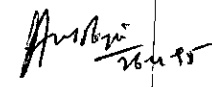
transferring the applicant to a distant place.

5. It is stated that the Camp Office in which the applicant was working by the date of impugned transfer is ~~vacated~~ in Chandrayangutta, which is about 10 k.m. from Rajendra Nagar. We do not find any reason to interfere with the order that that applicant had to be transferred from the Camp Office. But in view of the fact that the applicant is not keeping good health, where by it is necessary for him to take medicines, we feel that it is a case to refer the matter to Respondent No.3 to consider as to wharther there is any possibility of transferring the applicant to any other place by keeping in view about the health condition of the applicant. The Original Application is ordered accordingly at the admission stage itself. No order as to costs./

  
 (R. RANGARAJAN)  
 Member (A)

  
 (V. NEELADRI RAO)  
 Vice-Chairman

Dt. 19th April, 1995.  
 Dictated in Open Court.

  
 Deputy Registrar(J)CC

avl/

To

1. The Sr. Superintendent of Post Offices,  
Hyderabad South, East Division, Kachiguda, Hyderabad.
2. The Director of Postal Services,  
Hyderabad City Region, O/o P.M.G. Hyderabad.
3. The Chief Postmaster General, A.P. Circle, Hyderabad.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT.Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE- CHAIRMAN.

AND

THE HON'BLE MR. R. RANGARAJAN: M (ADMN)

DATED - 19-4-1995.

~~ORDER~~ JUDGMENT:

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

O. A. No.

in

491/95

T. A. No.

(W. P.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

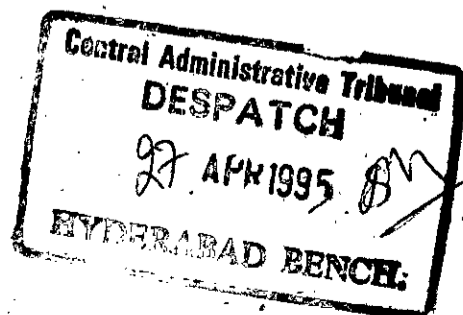
Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No. order as to costs.

*no spare copy*



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

M.A.NO.547/95 in D.A.NO. 491/95

Between:

Date of Order: 22.6.95

K.Krishna

...Applicant.

And

1. The Senior Superintendent of Post Offices,  
Hyderabad South East Division,  
Kachiguda,  
Hyderabad.
2. The Director of Postal Services,  
Hyderabad City Region,  
O/O The Post Master General,  
Hyderabad.
3. The Chief Post Master General,  
A.P.Circle,  
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...

M.A.NO.547/95 in  
O.A.No.491/95

(46)

Date of Order: 22.6.95

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

- - -

Heard learned counsel for both the parties in MA.547/95.

2. O.A.No.491/95 was filed challenging the order dated 5.12.94 by which the applicant working as Sub-Postmaster, CRP Post Office was transferred to Yacharam. The prayer of the applicant in the OA was to set aside the <sup>impugned</sup> order but the Tribunal in its order dated 19.4.95 did not find any reason to interfere with the said order of transfer. At the same time keeping in view the state of health of the applicant, the Tribunal directed Respondent No.3 to consider whether there was any possibility of transfer of the applicant to any other place where he could get adequate medical attention. In the M.A. the prayer is for a direction to the respondents to post the applicant <sup>to</sup> in any of the places within the twin cities so that he could receive proper medical treatment.

3. Mr.N.R.Devraj, learned standing counsel for the respondents has shown the record pertaining to the action taken by respondent No.3 in response to our order dt. 19.4.95 in OA.491/95. It is seen that after the judgement of the Tribunal the applicant made a representation to Respondent No.1 dated 4.5.95 requesting that he be retained as SPM, CRP Camp PO or else he could be transferred to any of the four places of his choice as stated in the representation.

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The said representation was considered by Respondent No.1 but was rejected. Subsequently the applicant made another representation to the Director Postal Services on 24.5.95 once again requesting that his posting to Yacharam be cancelled and that he be posted anywhere in Hyderabad City area so as to facilitate his medical treatment. Although the representation was addressed to the Director Postal Services, keeping in view the direction given in the Tribunal's order dated 19.4.95 the request of the applicant was considered by the Chief Post Master General A.P.Circle (Respondent No.3). His order dated 15.6.95 shows that the applicant's representation was considered in detail but it was felt that the applicant's request could not be ~~exceeded~~ <sup>accorded</sup> to.

4. Mr.S.Ramakrishna Rao, learned counsel for the applicant contends that the Respondent No.3 considered only the representation made by the applicant where as he should <sup>have</sup> ~~be~~ examined the case in much broader terms as directed by the Tribunal. It is seen that the Tribunal in its order directed Respondent No.3 "to consider as to whether there is any possibility of transfer the applicant to any other place by keeping in view about the health condition of the applicant". There is no doubt that the Tribunal's order does not state <sup>anything</sup> ~~nothing~~ about the representations of the applicant. But in view of the fact that the applicant did submit representations and if the same were taken into consideration by Respondent No.3 in considering the case of the applicant in terms of the judgement of the Tribunal, <sup>it</sup> ~~It~~ cannot be said that

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Respondent No.3 had acted either improperly or contrary to the directions given to him by the Tribunal in its order dated 19.4.95.

5. The scope of M.A. where the prayer is ~~to~~ for implementation of the order of the Tribunal is limited only to direct<sup>ing</sup> the respondents to comply with the orders already given by the Tribunal. When therefore, it is shown that the respondents did comply with the order of the Tribunal, ~~for~~ there is hardly any scope for the Tribunal to go into merits of the decision taken by the respondents in compliance with the Tribunal's order.

6. In view of the above I find no merit in the MA and the same is dismissed. No order as to costs.

*(Signature)*  
( A.B.GORTHY )  
Member (Admn.)

Dated: 22nd June, 1995

(Dictated in Open Court)

*(Signature)*  
DEPUTY REGISTRAR(J)

sd

To

1. The Senior Superintendent of Post Offices, Hyderabad South East Division, Kachiguda, Hyderabad.
2. The Director of Postal Services, Hyderabad City Region, O/D The Post Master General, Hyderabad.
3. The Post Master General, A.D. Circle, Hyderabad.
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TYPED BY  
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE SHRI A.V. HARIDASAN: MEMBER (J)

AND

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

DATED 22-6-95

ORDER/JUDGMENT

M.A.NO/R.P.NO./C.P.NO. 547/95

in

D.A.NO. 491/95

Admitted and Interim directions  
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MA  
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Dismissed as withdrawn

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Rejected/Ordered.

No order as to costs.

YLKR

