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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

C.A. NO. 496/95.

DATE OF JUDGMENT: 26-09-95.

BETWEEN:

Ch. Surendranath

.. Applicant.

AND

1. The Union of India,
Rep. by the Director General,
Telecommunications,
New Delhi-1.
2. The Chief General Manager,
Telecom Circle, A.P.
Hyderabad-500 001.
3. The General Manager,
Telecom District Hyderabad,
Suryalok Complex, Hyderabad-33.
4. The Telecom Dist. Engineer,
Adilabad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI J.V.Lakshmana Rao

COUNSEL FOR THE RESPONDENTS: SHRI N.R.Devaraj,
Sr./~~xxxx~~.CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

(u3)

O.A.NO.496/95.

JUDGMENT

Dt: 26.9.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri JV Lakshmana Rao, learned counsel for the applicant and Shri NR Devaraj, learned standing counsel for the respondents.

2. The applicant was appointed as Telephone Technician on 20.11.1965 in the then Hyderabad Telecom District. He was promoted as Telephone Inspector on 8.1.1974 and as Junior Engineer on 20.2.1975. Thus his promotion as Junior Engineer in the then Hyderabad Telecom District was long prior to 19.9.1986, the date by which merger of the then Hyderabad Telecom District and the A.P.Circle of Telecom had come into effect. After referring to the instructions contained in the letter dated 19.9.1986 in No.1.16/82-TE-1, we held by the order dated 20.8.1993 in OA 765/93 that the then employees in the Hyderabad Telecom District cannot be transferred from the erstwhile ~~Hyderabad Telecom~~ Hyderabad Telecom Circle ~~even~~ after the merger so long they continue in the same cadre. In the appeal thereon, the Apex Court held in SLJ 1995(2) SC 195 (Union of India and others Vs. D. Mohan and others), that such transfer from the erstwhile N area of Hyderabad Circle in the same cadre can be affected only after obtaining consent from the concerned employee.

3. The applicant herein was transferred to Sirpurkagaznagar in Adilabad District w

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To

1. The Director General, Union of India,
Telecommunications, New Delhi-1.
2. The Chief General Manager, Telecom Circle, A.P.
Hyderabad-1.
3. The General Manager, Telecom Dist. Hyderabad,
Suryalok Complex, Hyderabad-33.
4. The Telecom Dist. Engineer, Adilabad.
5. One copy to Mr. J.V. Lakshmana Rao, Advocate, F.No. 301
Balaji Towers, New Bakaram, Hyderabad.
6. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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at 9d

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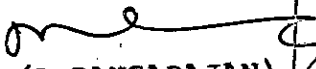
.. 3 ..

of the erstwhile Hyderabad Telecom District area. This OA was filed praying for cancellation of the order No.SO-102/JTO"s/111/93-94/50, dated 31.12.1993 whereby he was transferred to Sirpurkagaznagar by holding it as illegal, as the same is contrary to the instructions in regard to the transfer as per the letter dated 19.9.1986 and ^{by} consequently ~~to give~~ direction to the respondents to transfer him back to the erstwhile area of Hyderabad Telecom District.

4. As the transfer of the applicant herein is subsequent to our judgment dated 20.8.1993 in OA 765/93, we feel it a case for ordering retransfer of the applicant. But as the order of transfer was challenged more than one year after the said transfer (this OA was filed on 4.4.1995) and in order to ensure that his ~~xxxx~~ retransfer ~~xx~~ to the erstwhile area of Hyderabad Telecom District may not cause inconvenience to those who are working in this area, it is just and proper to order that the said transfer has to be affected to in the next ~~xx~~ available vacancy.

5. In the result, the OA is ordered as under:-

The applicant has to be retransferred to the erstwhile Hyderabad Telecom District in the next available vacancy in the cadre of JTO (the post of Junior Engineer is redesignated as JTO). No costs.//


(R.RANGARAJAN)
MEMBER (ADMN.)


(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 26th September, 1995.
Open court dictation.


Anshu
Dno.

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRIRAO
VICE CHAIRMAN

AND

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

DATED: 26 - 9 - 1995

~~ORDER~~/JUDGMENT

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

in

O.A.No.

496/95

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.

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