

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A.No.1196/95

Dt.of order:10.10.1995

Between

Y.Venkata Ramana Reddy

.. Applicant

and

1. Executive Engineer(Electrical)
Hyderabad Central Electrical Dvn-II
Nirman Bhavan, Sultan Bazar,Hyderabad

2. The Asst. Engineer(Electrical)
Central Electrical Sub-Division-V
Kendriya Sadan,Koti,Hyderabad

3. B. Gangaram,Asst.Operator,
Central Electrical Sub-Division-VI
Survey of India, Uppal, Hyderabad .. Respondents

Counsel for theApplicant : Mr CMR Velu for
Mr V. Jagapathi

Counsel for the respondents : Mr N.R.Devraj,Sr. OGSC

CORAM:

HON'BLE SHRI A.B. GORTHI, MEMBER(ADMN)

...2

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

Heard Shri CMR Velu, learned counsel for the learned applicant and Shri N.R. Devraj, Standing Counsel for the respondents.

2. The applicant was appointed as an Assistant Operator on a temporary post in the Work Charged Establishment vide 1st respondent's memo dated 27.3.1995. The applicant joined his duties on 30.3.1995, and since then, working under the 2nd respondent at Central Electrical Sub-Division-V (CESD for short) at Kendirya Sadan, Koti, Hyderabad. Vide impugned order dated 25.9.1995, the applicant is being transferred from CESD-V, Koti to CESD VI at Uppal. His prayer in this OA is for setting aside the said transfer order.

3. Mr CMR Velu, learned counsel for the applicant has elaborately contended that the applicant having been appointed in March, 1995, is being sought to be transferred even before he could complete six months in the office of the 2nd respondent. His main contention is that the respondents misread and wrongly understood the Director General of Works, CPWD letter No.27/2/94-EC.X dated 5.4.95 (Annexure II to the OA). The said letter, according to the applicant's counsel is to the effect, that, ordinarily employees should not be transferred unless they complete ten years of service. Further, the applicant's counsel urged that the transfer order would cause undue hardship to the applicant as he has to establish himself at or near the new place of posting.

4. Shri N.R.Devraj, learned Standing Counsel for the respondents has stated that both the CESDS (Koti, & Uppal) are located within the limits of Hyderabad, and as such, it cannot be said that the shifting of the applicant from one sub-division to another in the same city, would cause any such inconvenience or hardship to the applicant as would warrant the interference by this Tribunal.

5. A careful examination of the Director General of Works, CPWD, letter dated 5.4.95, would indicate that, firstly it re-iterates the fact that the SE/EE of the concerned Circle/Division has the powers to rotate the work charged staff in his respective Circle/Division, if it is administratively necessary or desirable to do so. The second aspect raised in that letter is, that, ordinarily, no member of the work-charged staff should be allowed to remain at one work place/area for more than ten years. Thus, it is clear that it does not lay down any embargo on the ~~rotation~~ retention or transfer of a work charged staff prior to the completion of the period of ten years.

6. The learned counsel for the applicant alleged that the transfer order was motivated by malice and with a view perhaps, to shift one Sri B.Ganga Ram respondent no.3 at Kendriya Sadan. There is nothing on record to show that such could be the motive behind the transfer order.

7. For the afore-stated reasons, I find no merit in this OA and the same is liable to be dismissed.

20

8. Finally, the learned counsel for the applicant stated that Shri Gangaram, the third respondent himself is not willing to be shifted from Uppal to Kendriya Sadan at Koti, and that the said Sri Gangaram has given his written willingness to continue in his present post. This, however, is a matter to be examined by respondent No.1, with a view to see whether it would be administratively feasible/desirable to let both the applicant and respondent No.3 to continue in their present places of work.

9. Subject to the above observation, this OA is dismissed at the admission stage itself. No costs.

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

Dated: The 10th October, 1995

dict
Dictated in the open court

mvl

Amriti
Deputy Registrar (Judl.)

Copy to:-

1. Executive Engineer(Electrical) Hyderabad Central Electrical Dvn-II Nirman Bhavan, Sultan Bazar, Hyd.
2. The Asst. Engineer(Electrical) Central Electrical Sub Division-V, Kendriya Sadan, Koti, Hyd.
3. One copy to Sri. V.Jagapathi, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

CC today DA-1196/95
TYPED BY 11/10/95 CHECKED BY
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: 10/10/1995.

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

O.A.NO.

1196/95

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.

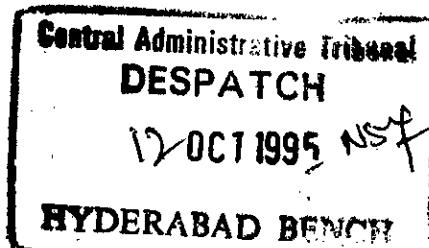
NO ORDER AS TO COSTS.

Rsm/-

AB

Spale Copy

6



26