

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1476/96

Date of Order: 23.4.97

BETWEEN:

Smt.Bhanumathi Prem

.. Applicant.

AND

1. Union of India, rep. by its Secretary, Ministry of Urban Affairs, and Employment, New Delhi.
2. Director General of Works, CPWD, Nirman Bhavan, New Delhi -11.
3. Chief Architect (South-West Zone), Central Public Works Department, CGO Annexe, M.K.Road, Mumbai - 400 020
4. Chief Engineer, South Zone, CPWD, Posnett Bhavan, Tilak Road, Hyderabad.
5. Mrs. Janaki Sethuraman, Asstt.(AD), O/O.Chief Engineer, South Zone, I, CPWD, Madras.

.. Respondents.

Counsel for the Applicant

.. Mr.P.B.Vijay Kumar

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

J U D G E M E N T

XOral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.P.B.Vijay Kumar, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant in this OA is presently working as Assistant Architect under R-4. It is stated that she came on

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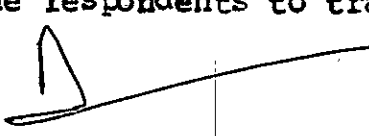
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transfer from Madras to Hyderabad Branch of that office. She submits that she <sup>is having</sup> ~~had~~ lot of family problems in that her husband is an employee of Central Government working at Madras in the same department. She has tender aged children who <sup>ve</sup> ~~has~~ to be looked after by her. She is a chronic Asthamatic patient and she needs medical attention frequently. As she is staying alone at Hyderabad she is undergoing lot of hardship in view of the position explained above. Earlier she filed OA.1222/96 on the file of this Bench which was disposed of by the order dt. 11.10.96 directing the respondents to dispose of her representation. That representation was disposed of by order of the Administration No. 41/5/94-EC-IX, dt. 27.11.96 (A-1). It is to be noted in that order that while rejecting her representation that "transfers are considered on the basis of station seniority and individual merits of the case".

3. The applicant now submits that neither the <sup>Cadre</sup> ~~order~~ seniority nor the station seniority is followed in the transfer cases. She quotes the case of Smt. Janaki Sethuraman who was recently transferred to Madras, <sup>though</sup> ~~although~~ she is junior to her. It is to be noted that the station seniority of Smt Janaki Sethuraman is earlier. In the case of Pushpavalli Varadarajan the applicant submits that the said Smt. Varadarajan is senior to her in seniority but she joined Hyderabad later than her. Hence no realistic principle is followed in the transfer under the respondent organisation.

4. The applicant now <sup>further</sup> ~~submits~~ submits that there are 2 vacancies at present at Madras. Hence she may be considered for one of those vacancies for transfer.

5. This OA is filed praying for a direction for setting aside the impugned order dt. 27.11.96 (A-1) and for consequential direction to direct the respondents to transfer her to Madras.

6. The Hon'ble Supreme Court had observed that transfer is <sup>an</sup> incidence of service. Normally no interference is called for from the judicial forum in regard to transfers unless there is an extraordinary reason to interfere with the transfers. Hence it will not be in order if we give any positive direction in this case. However considering her averments in regard to the family circumstances mentioned by her sympathetic consideration is called for by the respondents on the merits of her case. We only hope that the respondents will take a sympathetic consideration in her transfer case at the appropriate time. As quoted earlier it is the policy of the department to order transfers on the basis of station seniority and individual merits of each case. No doubt the applicant is at sl.no.94 in the seniority list of Assistant Architect and she has also joined on 6.4.95 at Hyderabad. Considering the fact that the 100 th person in the seniority list has been transferred probably on the merits of her case it is for the department to take a decision if vacancy exists in Madras noting her problems as indicated above.

7. With the above observations the OA is disposed of.  
No costs.

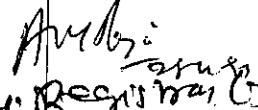
  
( B.S. JAI PARAMESHWAR )  
Member (Judl)

  
( R. RANGARAJAN )  
Member (Admn.)

Dated: 23rd April, 1997

(Dictated in Open Court )

sd

  
Dy. Registrar (J)

(66)

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Copy to:-

1. The Secretary, Ministry of Urban Affairs, ~~Union~~ and Employment, Union of India, New Delhi
2. Director General of Works, CPWD, Nirman Bhavan, New Delhi.
3. Chief Architect (Southern West Zone), Central Public Works Department, CGO Annexe, M.K.road, Mumbai.
4. Chief Engineer, South Zone, CPWD, Posnett Bhavan, Tilak road, Hyd.
5. One copy to Sri. P.B.Vijaya kumar, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Deputy Registrar(A), CAT, Hyd.
8. One spare copy.

Rsm/-

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.R. G. RAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:  
M(J)

DATED: 23/4/97

ORDER/JUDGEMENT

P.A./C.P./M.A. No.

O.A. NO.

1476/96

ADMITTED INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS  
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
मेसज / DESPATCH

30 APR 1997

हैदराबाद न्यायपीठ  
HYDERABAD BENCH