

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. 1493/96

Date of decision: 23.12.96

Between:

B. Narasinga Rao .. Applicant

and

1. Chief Engineer,
Headquarters,
Southern Command,
Engg. Branch, pune.

2. Assistant Garage Engineer
R&D, N.S.T.L.Complex,
Visakhapatnam.

3. Union of India, rep. by
Secretary, M/o Defence,
New Delhi.

... Respondents

Mr. Y.L.Narasimha Murthy .. Counsel for the applicant

Mr. V. Bhimanna, Addl.CGSC .. Counsel for the respondents

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HON'BLE SHRI JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON'BLE SHIR H. RAJENDRA PRASAD, MEMBER (ADMVE.)

O R D E R

Oral Order (Per Hon'ble Shri Justice M.G. Chaudhari, VC)

Mr. Y.L.Narasimha Murthy for the applicant and Shri V.Bhimanna, Additional Standing Counsel for the respondents.

The grievance of the applicant is against his transfer from Visakhapatnam to Bhuj in Gujarat. He is L.D.C. It appears that a general order of transfer of LDCs relating to stations all over India was issued by the Respondents on 30.4.96 and the applicant was one of the LDCs transferred under that order.

A movement order was issued to the applicant in November 1996. Earlier to that the applicant had submitted a representation on 18.5.96 to the Chief Engineer (EIB(s), Southern Command, Pune requesting him to cancel his transfer or alternatively to defer it

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for one year on account of personal difficulties faced by him as stated in that representation. He also suggested that instead of sending him to Bhuj he was willing to accept transfer if posted to Bolangir/Sunabeda in Orissa. It appears that initially the respondents extended the date for reporting at Bhuj to 30.9.96 and even thereafter, in view of second representation of the applicant dated 27.9.96, the time has been extended upto 31.12.96. The applicant, however, has not filed a further representation requesting for further extension after 31.12.96 to the respondents but has approached the Tribunal. He prays that the respondents may be directed to extend the joining date till 30.6.97 while changing the joining place from Bhuj to Bolangir.

2. The relief sought is not simply for extension of time on the ground of personal difficulties but pre-supposes that he would be transferred to Bolangir instead of Bhuj. The Tribunal would not interfere in matters of transfer made on administrative grounds, particularly when it is a question relating to mass transfers on all-India basis in the administrative exigencies. It cannot be complained by the applicant that any illegality has been committed by the respondents in transferring him from Visakhapatnam. No question of malafides can be involved where it is a question of general transfers. Whether the applicant should be transferred to a nearer place to Visakhapatnam such as Bolangir or Sunabeda in Orissa is essentially a matter for the authorities of the respondents to consider. Likewise, granting further extension of time to join at Bhuj also lies within their consideration. The Tribunal would not be justified to substitute itself for taking those decisions. Thus it does not appear to us that the OA discloses any cause of action for which it can be entertained.

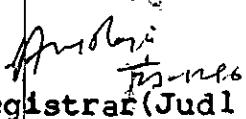
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3. However, we notice from the previous representations of the applicant that presently he is under some difficulty in matters of family affairs particularly as his wife is stated to be due for delivery. Considering these grounds and such other present difficulties as may be pointed out to the respondents, it will be for the respondents to consider sympathetically whether the request of the applicant to extend the period to join upto 30.6.97 as also his request for posting him at Bolangir could be granted. In our opinion it was necessary for the applicant to file a representation for that purpose to the respondents. We therefore leave it open to the applicant to file such a representation immediately to the appropriate authority of the respondents. We direct the respondents to consider that representation sympathetically and also consider whether the date 31.12.96 should be extended suitably to enable them to dispose of the representation on merits. The respondents will convey their decision to the applicant when taken on his representation. It is made clear that the matter is left in the sole discretion of the respondents who will decide it administratively, while considering the request of the applicant sympathetically. if the respondents do not agree to the request of the applicant, the applicant will not be entitled to allege contempt against the respondents. With the above observations, the OA is rejected.

Copy immediate.


H. Rajendra Prasad
Member (Admve.)


M.G. Chaudhuri (J)
Vice Chairman


Dy. Registrar (Judl)

23rd December, 1996

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OA. No. 1493/96.

Copy to:-

1. The Chief Engineer, Head Quarters,
Southern Command, Engineering Branch,
Pune-411 001.
2. The Assistant Garage Engineer (Independent),
R & D, N.S.T.L. Complex,
Visakhapatnam-27.
3. ~~WAIKANXEF~~ Secretary, Ministry of Defence,
Union of India, Ministry of Defence,
New Delhi.
4. One copy to Mr. Y. L. Narasimha Murthy, Advocate.
5. One copy to Mr. V. Bheemanna, CGSC, CAT, Hyderabad.
6. One spare copy to Library, CAT, Hyd.
7. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 23-12-1996

ORDER / JUDGMENT

~~W.L./R.A/C.A. No.~~

in

O.A.No. 1493/86

T.O.No.

(R.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.

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