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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.NO.14 of 1995.

Between

Dated: 3.1.1996.

Ch. Janaki Rao

...

Applicant

And

1. The Flag Officer Commanding-in-Chief, Head Quarters,
Eastern Naval Command, Visakhapatnam.
2. The Chief Staff Officer, (P&A), Head Quarters, Eastern
Naval Command, Visakhapatnam.
3. The Material Superintendent, Material Organisation,
Eastern Command, Visakhapatnam.

...

Respondents

Counsel for the Applicant : Sr. M.P.Chandra Mouli

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

CORAM:

Hon'ble Mr. A.B.Gerthi, Administrative Member

Contd:....2/-

J U D G E M E N T

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

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Heard Mr.M.P.ChandraMouli, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant is working as an Upper Division Clerk in the Material Organisation, Eastern Naval Command, Visakhapatnam ever since 6.4.1986. He is aggrieved by the impugned order dated 12.9.95 whereby he was transferred from his present establishment to I.N.S. Veera Bhahu. It is stated that both material organisation and I.N.S. Veera Bhahu are located at Visakhapatnam only and both are under the control of Headquarters, Eastern Naval Command.

3. Mr.M.P.Chandra Mouli elaborately contended that the respondents retained certain other officials who have done even more than 10 years service in the Material Organisation, and without shifting them they have chosen the applicant for the transfer, although the applicant has not even completed ten years in Material Organisation. He has also referred to an earlier transfer order issued in respect of 76 employees of Headquarters, Eastern Naval Command. The said transfer order dated 9.8.95 is ^{an annexure} ~~a communication~~ to the OA. It is stated that out of 76 employees in respect of whom transfer orders were issued many of them have not been relieved but retained in their respective organisations. It is also stated that the transfer order would put the applicant in considerable difficulty.

4. Having heard learned counsel for both the parties and having perused the contents of the OA and the annexures

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there, to, I find that the transfer order in respect of the applicant is not an isolated order but an order whereby six clerical staff were transferred from other establishments to the Material Organisation and as a result six employees ~~from~~ the Material Organisation, including the applicant, stood transferred to I.N.S. Veer Bhahu. So it is not a case where the respondents can be said to have unfairly picked up the applicant only for the transfer.

5. As regards the contention of the applicant's counsel that the applicant had not completed 10 years in the Material Organisation, it cannot be said to be a sufficient ground on which the impugned transfer order can be set aside or interfered with.

6.. In case the applicant genuinely feels that the impugned order of transfer would put him in considerable difficulty, it would be more appropriate for him to make a representation to the competent authority. The legal notice issued on 18.12.95 cannot be treated as a representation as per service rules the applicant ~~who~~ ^{has to} himself put up his grievance/grievances to the competent authority ~~for~~ seeking necessary redressal.


7. In view of what is stated above, I find no merit in the OA and the same is dismissed. The applicant will however be at liberty to submit a representation to the competent authority, and if that is done the competent authority shall consider the same and dispose of ^{it} ~~it~~ within one month from the date of receipt of such representation. If the request of the applicant is refused the order of the competent authority shall contain reasons.

[Handwritten signature]

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.. by ..

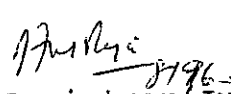
8. The O.A. is ordered accordingly. No costs.


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

Dated: 3rd January, 1996

(Dictated in Open Court)

sd


Deputy Registrar (Judl.)

Copy to:-

1. The Flag Officer Commanding-in-Chief, Head Quarters, Eastern Naval Command, Visakhapatnam.
2. The Chief Staff Officer, (P&A), Head Quarters, Eastern Naval Command, Visakhapatnam.
3. The Material Superintendent, Material Organisation, Eastern Command, Visakhapatnam.
4. One copy to Sri. M.P.Chandra Meuli, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

DA- 14/95

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A. B. GORTHI : MEMBER(A)

HON'BLE SHRI

DATED: 31/1/96

ORDER/JUDGMENT

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

IN

O.A. NO.

14/98

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
भारत/INDIA
22 JAN 1996
हैदराबाद बेंच
HYDERABAD BENCH