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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 988 of 1996.

DATE OF ORDER : 20-8-96.

Between :-

M.Muralidhar

... Applicant

And

1. Union of India, rep. by the Director, Quality Assurance (ARM-I), Department of Defence Production, Ministry of Defence (DGQA), DHQ-PD, New Delhi - 110 011.
2. The Controller, CQA-(I), Controllerate Quality Assurance (Instruments), Dehra Dun - 248 008.
3. The Senior Quality Assurance Officer, The Senior Quality Assurance Establishment (ARMTS), Gymkhana Road, Picket, Secunderabad-500 003.

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Counsel for the Applicant : Shri M.V.S.Prasad

Counsel for the Respondents : Shri V.Rajeshwar Rao, Addl.CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN *hsc*

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A) *Q 20/6*

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(Oral Orders per Hon'ble Justice Shri M.G.Chaudhari,
Vice-Chairman).

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Shri M.V.S.Prasad for the applicant. Shri V.Rajeshwar
Rao for the Respondents.

2. The applicant who has been promoted as Chargeman-I has been posted on transfer at Bangalore by order dt.30-5-96 issued by the Ministry of Defence. The applicant desires to be retained at Secunderabad and contends that there is post available at Secunderabad to accommodate him. In that connection he had submitted representations dt.11-6-96, 27-6-96, 29-6-96 stating therein that ^{as} he was doing a part-time M.Tech. Court at Hyderabad that will be disturbed by his transfer and that subsequently a female child was born to him with health problems requiring to be operated twice and is under medical treatment and therefore his request to retain at Secunderabad should be ^{him} sympathetically considered. The above difficulties of the applicant have indeed been taken note of by the Senior Quality Assurance Officer at Secunderabad and by telegram dt.11-6-96 he has recommended to the Respondent No.1 at Head-Quarters that a vacancy of Chargeman-I exists at the establishment of Secunderabad and his ^(Applicant's) request may be considered early. According to the applicant so far no action has been reported. Meanwhile it appears that he has been not complied with the instructions contained in the order dt.30-5-96 in respect of transfer.

3. The learned counsel for the applicant Shri M.V.S.Prasad submits that as there is a vacancy available at Secunderabad to accommodate the applicant and considering his domestic problems which are genuine, he should be directed to be accommodated at his Secunderabad and retained there by cancelling/transfer to Bangalore.

4. A transfer made on administrative grounds in the regular course of working of a Department cannot be interfered with by the Tribunal. There is no allegation of Malafide, bias, illegality or lack of competency in the authority to transfer the applicant from one station to another. Legally therefore no right can be spelt out in favour of the applicant so as to require our judicial interference.

5. As far as the difficulties faced by the applicant are concerned, that can only make out case of sympathetic consideration of his request. Even if we were to entertain the OA and pass any order that obviously ^{could} can be to ask the Respondent No.1 to consider his case sympathetically. The Tribunal cannot directly do so. It is however unnecessary even to consider that aspect because the Senior Quality Assurance Officer himself has recommended sympathetic consideration of the case of the applicant to the Head Quarters. It is therefore for the Respondent No.1 to apply his mind to the difficulties of the applicant and take a suitable decision. Merely it is passing another order by us to that effect will be ~~superfluous~~ redundant. Hence we are not inclined to admit the O.A. as it does not disclose any ~~exam~~ cause of

action.

6. Whether to comply with the instructions of transfer pending decision of the Respondent No.1 on his request or to pass face the consequences in default is for the applicant to consider. In the end we would add ^{the} ~~one~~ observation that the Respondent No.1 may keep in mind the genuineness of the request of the applicant to take suitable action in pursuance of the Telegram of Senior Quality Assurance Officer.

7. The Original Application is accordingly rejected.

H.R.P.
(H.RAJENDRA PRASAD)
Member (A)

M.G.CHAUDHARI
(M.G.CHAUDHARI)
Vice-Chairman

Dated: 20th August, 1996.
Dictated in Open Court.

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Amriti 20/8/96
Deputy Registrar (D) CC.

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O.A.988/96.

To

1. The Director, Union of India,
Quality Assurance (ARM-I)
Dept. of Defence Production,
Min. of Defence (DGQA) DHO-PO, New Delhi-11.
2. The Controller, CQA(I),
Controllerate Quality Assurance
(Instruments), Dehra Dun-8.
3. The Senior Quality Assurance Officer,
Senior Quality Assurance Establishment (ARMTS)
Gymkhana Road, Picket, Secunderabad-3.
4. One copy to Mr. M. V. S. Prasad, Advocate, CAT. Hyd.
5. One copy to Mr. V. Rajeswar Rao, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

alongwith
copy.

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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:M(A)

Dated: 20-8-1996

ORDER / JUDGMENT

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

in

O.A.No. 988/96,

T.A.No. (w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to cost.

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