

(134)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1149/96

dt.12-11-96

Between

Dr. Jagannadham Chella

: Applicant

and

1. Indian Council of Agri. Research
Krishi Bhavan, New Delhi, rep. by
its Director General

2. National Academy of Agri. Research Management
Rajendra Nagar, Hyderabad rep. by
its Director

: Respondents.

Counsel for the applicant

: Vilas V. Afzal Purkar
Advocate

Counsel for the respondents

: P. Naveen Rao
Advocate

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

HON. MR. B.S. JAI PARMESHWAR, MEMBER (JUDL.)

R

Judgement

Oral order (per Hon. Mr. B.S. Jai Parmeshwar, Member (Jud1))

Dr. Jagannadham Chella, a Senior Scientist in National Academy of Agricultural Research Management, Rajendra Nagar, Hyderabad, has challenged the Council office order No.34 (Sr. SC) 3-92-per.II dated 26-9-1996 and the order F.No.3-237/89 per dated 27-9-96. By the said orders the applicant was transferred to National Research Centre on Mithun, Nagaland, and he was permitted to draw certain transfer benefits.

2. The applicant has challenged the said orders on the grounds that the same is violative of guidelines contained in Annexure-II, that the order was motivated by the Respondent-2 and his subordinates, ^{and} that the transfer order was not in the exigencies of administration of Respondent-2 etc.

3. On the other hand the respondents contend that the guidelines contained in Annexure-2 have no statutory force, that they felt the presence of the applicant in the Academy was not conducive for the better running of the Academy, that there were allegations against the applicant, and that, therefore, they transferred him to Nagaland under administrative exigencies.

4. An interim order was issued on 1-10-1996 to the following effect :

"The applicant will be allowed to continue in the muster roll of R-2. The respondents are free to extract work from him if they so desire".

5. We heard the learned counsel for a considerable length of time.



..2.

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6. The learned counsel for the applicant brought to our notice that on 7-10-1996 the applicant had submitted a representation to the Respondent-1 for reconsideration and cancellation of his transfer. The learned counsel further submits that the applicant may be given liberty to supplement his representation by furnishing certain additional grounds for cancellation or modification of his transfer. We allow the applicant to submit his additions to the representation dated 7-10-1996. The applicant shall submit his additional representation on or before 20-11-96. We make it clear, till the consideration of the representation of the applicant and in case, the additional representation is also received within the stipulated time, the Respondent-1 should consider his representation dated 7-10-1996 and the additional representation to be received on or before 20-11-1996 and pass a speaking order in accordance with rules after going into the merits of the case.

7. Till such reply is issued to the applicant, the interim order as extracted above shall stand.

8. ~~If the~~ ^{the} reply, ~~is~~ ^{take} received by the applicant to his representation in pursuance of the above order, ~~and~~ ^{he} is going to be detrimental to the applicant, ~~the applicant~~ is at liberty to file a fresh OA, if so, advised in accordance with law.

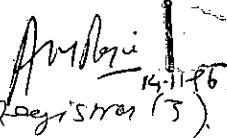
9. A copy of the representation dated 7-10-1996 and the proposed addition to that representation should also be endorsed to R-2 for his perusal.

10. The OA is ordered accordingly at the admission stage itself. No Costs


(B.S. Jai Parameshwar)
Member (Judl.) 2.11.96


(R. Rangarajan)
Member (Admn.)

Dated : November 12, 96
Dictated in Open Court


Amalgamated Legal Services Trust
Dated : November 12, 96

Copy to:-

1. The Director General, Indian Council of Agriculture Research, Krish Bhavan, New Delhi.
2. The Director, National Academy of Agriculture Research Management, Rajendra Nagar, Hyd.
3. One copy to Sri. Vilas V. Afzalpurkar, advocate, CAT, Hyd.
4. One copy to Sri. P. Naveen Rao, advocate, for R-1 & 2, CMT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

RSM/-

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as today
14/11/1996 DA-1149/96

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21/11/1996

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)
HON MR. B. S. DAS PERMESTHAN M(J)

DATED: 12/11/96

ORDER/JUDGEMENT
R.A./C.P./M.A./NO.

in
D.A. NO. 1149/96

ADMITTED AND 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
DEPTT/DESPATCH

18 NOV 1996

हैदराबाद न्यायपीठ
HYDERABAD BENCH