

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.No. 22 of 1996

Between

Dated 5-1-1996.

M. Sahadeva Reddy

... Applicant

And

1. The Divisional Railway Manager,
South Central Railway, Guntakal.
2. The Station Superintendent,
South Central Railway, Madras,
Hubli Division,
South Central Railway.
3. The Station Superintendent,
Cuddapah Railway Station,
Guntakal Division,
South Central Railway.
4. Sr. Divisional Personnel Officer,
Guntakal Division,
Guntakal.

... Respondents

...

Counsel for the Applicant : Sri L.J. Veera Reddy

Counsel for the Respondents : Sri N.V. Ramana, SC for Railways

COURT:

Hon'ble Mr. R. Rangarajan, Administrative Member

O.A.No. 22/96

Date: 5-1-1996

O R D E R

I (as per Hon'ble Sri R. Rangarajan, Member (Administrative))

The applicant herein applied for inter-divisional transfer as Ticket Collector to Guntakal Division when he was working in the same capacity at Hubli Division at Medagon. It is further stated for the applicant that by office order dt:20-1-1995 (Annexure A.3) the competent authority has accepted his request transfer to Guntakal Division on the terms and conditions stipulated in that letter. It is further submitted for the applicant that he was relieved by R-2 by his letter dt:29-10-1995

(Annexure A.2). Accordingly, he reported to R-4 at Guntakal Division and he was posted as T.C. at Cuddapah by order dated 14-11-1995 (Annexure A.4). He joined at Cudcapah on 15-11-95. By impugned order dt. 18-12-1995 (Annexure A.1) he has been transferred back to Hubli Division By R-4.

2. This OA is filed praying for a direction to set aside the order No.G/P.676/III/TC/TTE/Vol.IV, dt: 18-12-95 passed by R-4 and for a further direction to the respondents to continue him as T.C. at Cuddapah while declaring that the action of R-4 in passing the order dt. 18-12-1995 without notice, without enquiry, without giving an opportunity is illegal, arbitrary and violative of principles of natural justice.

3. Learned Standing Counsel for the respondents has submitted that the relief order reported to have been issued by R-2 is a forged one. The signature of R-2 in relief memo dt. 29-10-95 (Annexure A.2) is forged by the applicant and on that forged document he got himself posted in Guntakal Division. When the reported forgery has come to the notice of R-4, the impugned order (Annexure A.1) was issued. It is further stated by the learned Standing ~~impugned~~ Counsel that this fact has been stated at para-2 of the impugned order. The relevant portion is reproduced below:

"Subsequently a message has been received from AO/VSG wherein it was stated that Sri M. Sahadeva Reddy, TC/MAO of UBL Division who is on long absence has created a false relief memo relieving himself to GTL Division by forging signature of SS/MAO and affixing a fake station stamp and requested to investigate and do the needful. This apart no office order has been issued from Sr.DPO/ UBL transferring the above employee to Guntakal Division."

4. The fact whether A.2 Annexure is a forged relief document or not is to be ascertained after giving an opportunity to the applicant in regard to the same. But, the impugned order Annexure A.1 does not give any indication that such an opportunity

was given to the applicant. Hence, it is fair that explanation of the applicant is obtained in regard to the alleged forgery of signature and the transfer order is issued on the basis of the explanation submitted by the applicant. The applicant should submit his version within a reasonable period from the date of receipt of a copy of this order and R-4 has to take a final decision in regard to his transfer on the basis of the explanation received from the applicant.

5. It is stated for the applicant that the post of T.C. at Cuddapah is not filled. But, this fact has to be verified. However, the applicant may be allowed to continue at Cuddapah as T.C. provided no posting order in the vacancy caused by the transfer of the applicant is issued. In case, somebody is already posted as T.C. at Cuddapah the applicant may submit leave application requesting for grant of leave and till such time R-4 finally decides the case after perusing the explanation of the applicant as indicated above. The grant of leave may be decided by the competent authority as per extant rules.

6. In the result, the following direction is given:-

The applicant should submit his explanation directly to R-4 by Regd.post/Ack.due in regard to the alleged forging of signature of SS/MAO and affixing a fake station stamp as alleged in para-2 in the office order dt: 18-12-95 (Annexure A.1) on or before 25-1-96. If such an explanation is received from the applicant by R-4 on or before 25-1-96, the same has to be disposed of in accordance with rules expeditiously. Till a final decision is taken by R-4 on the basis of the explanation to be received from the applicant, the applicant should be allowed to continue as T.C. at Cuddapah provided no posting order is issued against this vacancy of the applicant. In case any

(10)

-8-

posting order has been issued already against the vacancy of the applicant, the applicant should be permitted to avail leave due to him till the case is disposed of by R-4. If no explanation is received from the applicant by 25-1-1996 R-4 is free to enforce the order dt: 18-12-1995.

7. The OA is ordered accordingly at the admission stage itself. No costs.

CERTIFIED TO BE TRUE COPY

Sd/-
Officer.
Central Administrative Tribunal,
Hyderabad.

Copy to:

1. The Divisional Railway Manager, South Central Railway, Guntakal.
2. The Station Superintendent, South Central Railway, Madgaon, South Central Railway, Hubli Division, Hubli.
3. The Station Superintendent, Cuddapah Railway Station, Guntakal Division, South Central Railway, Guntakal.
4. Sr. Divisional Personnel Officer, Guntakal Division, Guntakal.
5. One copy to Sri L.J.Veera Reddy, Advocate CAT, Hyd.
6. One copy to Sri N.V. Ramana, SC for Rlys, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

BY REGISTERED POST - ACK. DUE

From

Sri M. Shadeva Reddy,
Ticket Collector,
Cuddapah,
S.C. Rly.

To

S. The Sr. Divisional Personnel Officer,
South Central Railway,
Guntakal.

Sir,

Ref:- Your Lr.No.G/P. 676/III/TC/TTE/Vol.IV,
dated 18-12-1995.

I submit that while I was working as TC at MAO on UBL Divn. I applied for a request transfer to GTL Division on 19-11-94 as my mother is Telugu and I belong to Andhra Area. My application was recommended by DRD/UBL and forwarded to DRD/GTL for his approval.

On 30-10-95 SS/MAO called me and issued a memo station that my request transfer to GTL Divn. has been accepted and I am relieved to report to DRD/GTL for further posting orders. As I am not eligible for joining time he also granted me leave upto 11-11-95 to cover the journey time.

As 12-11-95 was a Sunday I reported to sr. DPO/GTL on 13-11-95 who issued me an order in his O.O.No.195/Comm1.CC. III/95 (Ref. No.GP.676/II/TC/TTE dated 14-11-95 posting me to HX. Accordingly I joined HX on 15-11-95 and working at thet station.

I was surpirsed to receive your OO No.218/Comm1./class III/95 under ref. No.GP.676/III/TC/TTE/Vol.IV dt: 18-12-95 directing me to go back to UBL and report to Sr.DPO/UBL alleging that my relief memo issued by SS/MAO is a forged one.

In this connection I had to approach CAT/HYB and obtained orders in their O.A .No. 22/96 dated 5-1-96 directing to stay my transfer back to UBL Divn. and to submit my explanation to your letter dated 18-12-95 before 25-1-95. A copy of the CAT/HYB order is enclosed for your ready perusal. As per the same order I should be allowed to continue as TC at HX till a final decision is taken on the basis of my explanation. Therefore I humbly submit that I should continue to work at HX itself.

As per the Court directive I further submit to explain that the allegation that the relief memo dated 30-11-95 issued by SS/MAO is forged, is baseless in as much as SS/MAO Sri Dorodo under whom I was working called me and issued the relief memo signed by him duly affixing the station stamp. It is not understood as to how this document is treated as forged now. Further the Sr. DPO/GTL to whom I reported for further orders accepted this relief memo and on verification of all the relevant records on the subject issued a further order ~~posting~~ posting me as TC at HX. Had there been any deficiency in my transfer order to GTL Divn. Sr.DPO/GTL, it would have been at this stage itself referred the matter to Sr.DPO/UBL and obtained necessary clarification. But the fact remains that after his thorough satisfaction only Sr. DPO/GTL issued me the posting order as TC at HX and at this stage without any basis or proof I submit I cannot be asked to go back to UBL Divn.

SS/MAO who is my immediate superior relieved me and Sr. DPO/GTL accepted that my orders of transfer to GTL Divn. is correct and issued further orders of posting to HX. These being the facts, I humbly request that my transfer back to UBL Divn. now is unwarranted that my present posting as TC at HX should be treated as correct.

- 11 -

Under these circumstances I once again submit that I can prove these facts with relevant records and I request a personal hearing or enquiry in the matter, if necessary before taking any decision on this representation of mine.

Thanking You,

Yours faithfully,

(M. SAHADEVA REDDY)

Cuddapah

Dt: 21-1-96.

Encls: Copy of CAT/HYB
orders in 3 sheets.

Date: 04-03-1996.

From

L.J. Veera Reddy
&
L. Renuka Rani,
Advocates,
7-36, Dilsukhnagar,
Hyderabad.

To

1. The Station Superintendent,
Cuddapah Railway Station,
Cuddapah.
Guntakal Division,
South Central Railways.
2. The Senior Divisional Personal Officer,
Guntakal Division,
Guntakal.

Sirs,

Under instructions from our client M. Sahadeva Reddy S/o M.N. Konda Reddy, aged about 33 years, working as Ticket Collector, Cuddapah Railway Station, Cuddapah (South Central Railways), we are obliged to issue the following notice;

1. It is represented by our client that he was working as T.C. at Madagaon in Hubli Division. Since he is a native of Cuddapah District and also his mother suffering from a chronic disease, he gave an application for transfer from Hubli Division to Guntakal Division on 19-11-94. The application was recommended by D.R.M./U.B.L. and forwarded to D.R.M./G.T.L. for approval. After considering the application and after following all norms, the request transfer was ordered.

2. It is further represented by our client that on 30-10-95 S.S./M.A.O. called my client and issued a memo to the effect that his transfer was ordered. Subsequently my client approached No.2 of you who issued an order in his O.O.No.195/Comml. CC.III/95 (Ref.No.GP.676/II/TC/TTE, dt: 14-11-95) posting our client at Cuddapah. Accordingly our client had joined at

Cuddapah on 15-11-95 and eversince our client had been working as T.C. at Cuddapah. Surprisingly our client received a memo from No.2 of you in Ref.No.GP.676/III/TC/TTE/Vol.IV dated 18-12-95 directing our client to go back to Hubli on the ground the relief memo issued by S.S./M.A.O. is forged one. It is false that the relief memo is forged one. No.2 of you having accepted and acted upon the relief memo now cannot say the same is forged one. Since both of you failed to appreciate my client's explanation, my client was forced to approach the Hon'ble Central Administrative Tribunal at Hyderabad. The Hon'ble Central Administrative Tribunal at Hyderabad in O.A.No.22/96 dt. 5-1-96 directed our client to submit his explanation directly to No.2 of you by RPAD with regard to the alleged forging of signature of SS/MAO and affixing a fake station stamp on or before 25-1-96. The further direction is No.2 of you has to dispose of the explanation of our client in accordance with rules expeditiously. The further direction is till a final decision is taken by No.2 of you on the basis of the explanation of our client, our client should be allowed to continue as T.C. at Cuddapah provided no posting order is issued against this vacancy of our client. In case any orders of posting have already been issued against this vacancy our client should be permitted to avail leave. The above O.A. 22/96 was disposed off after hearing both sides.

3. It is submitted in obedience to the orders of the Central Administrative Tribunal, Hyderabad our client had send his explanation under RPAD on 21-1-96. Our client had also informed about the order of the Hon'ble Tribunal on 5-1-96 itself to both of you through his Advocate and the orders were also communicated by the Hon'ble Tribunal on 16-1-96. Our client had been persistently approaching both of you for implementation of the orders of the Hon'ble Tribunal but both of you had been postponing the implementation without any reasons.

Reg!- contempt petition

CUDDAPAH DISTRICT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

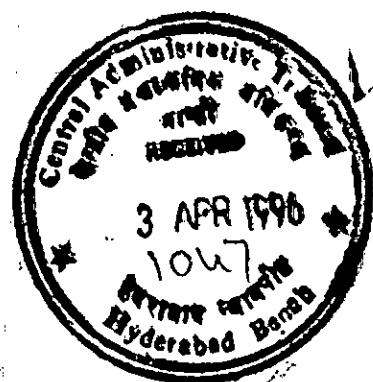
HYDERABAD BENCH AT HYDERABAD

C.C.No.

of 96

In

O.A.No. 22 /96



CONTEMPT CASE

Received copy
Adarsh
C.A. / Secy
3.4.96

M/s L.J.Veera Reddy,
L. Renuka Rani,
V. Narasimha,
Advocates.

may be filed
on
affidavit