

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*\*\*

O.A. 1243/96.

Dt. of Decision : 06-11-96.

Nagappa

.. Applicant.

Vs

1. The Director General,  
Org. Service, MGO's Branch,  
Army Headquarters, DHQ PO,  
New Delhi. 110 011.

2. The Commandant, AOC Centre,  
Secunderabad-500 015.

3. The Officer-in-Charge,  
Establishment (Civ),  
AOC Centre, S. c'bad-15.

.. Respondents.

Counsel for the Applicant : Mr. V. Venkateswara Rao

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

*For*

*[Signature]*

-2-

ORDERORAL ORDER (PER HON'BLE SHRI  R. RANGARAJAN :MEMBER (ADMN.)

Heard Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr.V.Bhimanna, learned counsel for the respondents.

2. The applicant herein is working as <sup>a</sup>Labourer under R-2. He was transferred to Mumbai by the impugned movement order dated 14-10-96. This OA is filed challenging the same.

3. It is stated for the applicant that he has not requested for transfer to Mumbai. For reasons best known to the respondents they have transferred him without any reason. He, being a Class-IV employee, cannot afford to go to a far off place leaving his family behind at Secunderabad. This transfer will cause him ~~a~~ lot of hardship not only monetarily but also mentally. He further submits that the transfer of the Class-IV staff to a far off place should be ordered only in extra-ordinary circumstances. Such transfer should not be a normal routine one. Such transfer if ordered, reason for such transfer should have been noted in the file. As the applicant herein is a Class-IV employee and the normal rules in this connection are not followed, the movement order has to be set aside, submits the learned counsel for the applicant.

4. The learned counsel for the ~~respondents~~ produced a letter dated 14-10-96 wherein it is stated that the applicant <sup>had expressed his</sup> ~~is~~ willing <sup>-ness</sup> to proceed on permanent posting to COD Mumbai. The learned counsel for the respondents further submitted that based on this letter he was transferred. It is his own willingness to go to Mumbai which resulted in the issual of the movement <sup>to the applicant</sup> order to proceed to Mumbai.




-3-

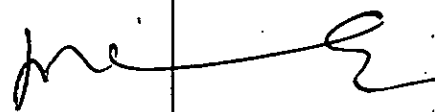
5. The learned counsel for the applicant submits that such a willingness was never given. He further submits that ~~his~~ <sup>his</sup> signature was taken on a blank paper and on that something was typed stating that he <sup>was</sup> ~~is~~ willing to go to Mumbai. Such records should not <sup>be</sup> ~~depend~~ <sup>upon</sup> ~~ed~~ for issue of the transfer order. However the applicant has not produced any valid evidence to come to the conclusion as stated by him. In the absence of any valid evidence the Court or Tribunal should not take a hasty decision in this connection.

6. In view of what is stated above, we are of the opinion that the ends of justice will be met if the applicant is <sup>now</sup> ~~not~~ permitted to file a representation to the concerned within a week from today. If such a representation is received, the same should be disposed of by the competent official within three weeks from the date of receipt of that representation. Till such time the disposal of the representation as above the applicant, if so advised, may submit a leave application and the leave as requested should be granted in accordance with rules.

7. In case the authority concerned decides that the movement order should stand good then the applicant is permitted to file a detailed representation to re-transfer him back to Secunderabad after joining at Mumbai. If such a representation is received on his joining at Mumbai, the same should be considered by the competent authority in accordance with rules sympathetically when a next vacancy arises at Secunderabad.

8. The CA is disposed of at the admission stage itself on the above terms. No costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL.)

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 06th November 1996.  
(Dictated in the Open Court)

4-13  
DY Registrar  
12/196

(22)

: 4 :

Copy to:-

1. The Director General, Orgn. Service, MGO'S Branch, Army Headquarters, DHQ PO, New Delhi.
2. The Commandant, AOC Centre, Secunderabad.
3. The Officer in Charge, Establishment (Civ), AOC Centre, Secunderabad.
4. One copy to Sri. V.Venkateshwara Rao, advocate, CAT, Hyd.
5. One copy to Sri. V Bhimanna, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

28/11/96

23

MA 1243/96

Typed By  
Compared by

Checked By  
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SH. RI R. RANGARAJAN: M(A)  
Hm no B.S. Jaiprakash m(3)

DATED: 6/11/96

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

O.A. NO.

1243/96

ADMITTED AND INTERIM DIRECTION 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 विवरण/DESPATCH 21 NOV 1996 हैदराबाद खानगी HYDERABAD BENCH
---