

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.
O.A.NO.38 of 1996.

Between

Dated: 6.3.1996.

1. A.Appa Rao.
2. P.Atchanna.
3. Tandra Chinnodu.
4. G.Govinda Rao.

...

Applicants

And

1. Senior Divisional Personnel Officer, South Eastern Railway, Visakhapatnam.
2. Senior Divisional Engineer (Coordination), Visakhapatnam, S.E.Railway.
3. Assistant Engineer, South Eastern Railway, Srikakulam road.
4. Inspector of Works, South Eastern Railway, Srikakulam road.

...

Respondents

Counsel for the Applicants : Sri. P.Krishna Reddy

Counsel for the Respondents : Sri. N.R.Devaraj, SC for Rlys.

CORAM:

Contd:...2/-

(17)

-2-

O.A.38/96.

Dt. of Decision : 06-03-96.

ORDER

I As per Hon'ble Shri R. Rangarajan, Member (Admn.) I

There are four applicants in this OA; the first applicant is working as Mason Grade-III, the second applicant is working as EBS/Gr-III and third and fourth applicants are working as Khalasi Helpers under R-4. All of them were transferred to Naupada in terms of office order dated 22-12-95 (Annexure-I) on administrative grounds. This OA is filed challenging the transfer order dated 22-12-95 holding it as illegal, arbitrary, null and void and set aside the same.

2. The main contention of the applicants' counsel in this case is that the transfer order to Naupada is not warranted as they can discharge the duties by keeping their headquarters at Srikakulam itself. Further it is contended that even if the transfer is necessary only the juniormost in the particular category should be transferred and not the applicant as they are seniors in the particular category. The learned counsel for the applicants further submitted that they are not able to carry out the transfer at this juncture as the scholastic session is on and transfer at this stage is detrimental to their interest.

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(18)

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3. It was urged on behalf of the respondents that the applicants in this OA are working under ICW Srikakulam road whose jurisdiction extends from Garrividi to Palasa on the main line and upto Naupada on the branch line. There are number of quarters to be maintained at Naupada and hence a junior ICW under the control of Senior ICW Srikakulam has been posted at Naupada. If the staff were not headquartered ^{at} Naupada the posting of the ICW at Naupada will not be effective and the staff have to move from Srikakulam road for maintenance of assets at Naupada and nearby stations which will involve extra expenditure by way of TA and also wastage of time for the movement of staff from Srikakulam road.

4. It is well settled that the Court/Tribunal can interfere in transfer cases only if there is any malafide intention in issuing the transfer order or violation of any statutory rule. The learned counsel for the applicants fairly submitted that he cannot think of any malafide intention nor violation of statutory rules. However his only contention is that the transfer during the scholastic session is detrimental to them and their transfer retaining them ^{at Srikakulam} juniors in the category ₂ to which they belong is irregular. He further submitted that it is fair to transfer juniors if it is necessary to post the staff at Naupada. He further contended that they will be put to serious hardship if they are asked to vacate the Rly. quarters presently occupied by them at Srikakulam due to the transfer.

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-2-

Copy to:-

1. Senior Divisional Personnel Officer, South Eastern Railway, Visakhapatnam.
2. Senior Divisional Engineer (Coordination), Visakhapatnam, S.E. Railway.
3. Assistant Engineer, South Eastern Railway, Srikakulam road.
4. Inspector of Works, South Eastern Railway, Srikakulam road.
5. One copy to Sri. P. Krishna Reddy, advocate, CAT, Hyd.
6. One copy to Sri. N.R. Devaraj, SC for Rlys, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

RSM/-

6. There is a force in regard to the submission made by the applicants' counsel for retention of the quarters allotted to them at Srikakulam till the scholastic session 1995-96 is over. Normally the juniormost are transferred when there is need to transfer for reason similar to the present case and hence there is justification to ~~pend~~ the transfer orders if the applicant in this OA are not juniormost in that category. But the learned standing counsel submitted that they are juniormost in the category of Mason Gr-III, EBS Gr-III and Khalasi Helpers. If so there cannot be any justification for not transferring them to Naupada to avoid wasteful expenditure and also for proper maintenance. But there is justification in allowing them to retain the quarters at Srikakulam till the scholastic session 1995-96 is over to avoid my hardship to the applicant.

7. In view of the above, the following ~~is give~~ transfer of the applicants to Naupada should start if they are not juniormost in the category of Mason Gr-III, EBS Gr-III and in the category of Khalasi Helpers. The applicants should be allowed to retain their quarters allotted to them at Srikakulam if they have been allotted one till the end of the scholastic session 1995-96 and only the normal rent which they are paying so far should be recovered from them till ^{they} vacate the quarters at the end of the scholastic session 1995-96.

8. The OA is ordered accordingly at the admission of the applicant himself. No costs.

29/3/96
TYPED BY
COMPARED BY

MA 38796
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI *R. Ranga Rao*
~~A.B. GORTHI~~ : MEMBER(A)

~~HON'BLE SHRI~~

DATED: 6/3/96

~~ORDER/JUDGMENT~~

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

IN

O.A.NO.

38796

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 अ. नं. ३८७९६ Central Administrative Tribunal वैद्युत/DESPATCH 21 MAR 1996 हैदराबाद शाखा HYDERABAD BENCH	<i>(Signature)</i>
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(Signature)