

(28)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.491 of 1996

DATE-OF-JUDGEMENT:-13th-September,-1996

BETWEEN:

K.DAMODARAN

.. Applicant

and

1. Union of India rep. by the  
Director General of Quality Assurance,  
Ministry of Defence,  
Dept. of Defence Production, DHQ PO,  
New Delhi 110 011,
2. The Controller,  
Controllerate of Quality Assurance  
(Heavy Vehicles), Ministry of Defence,  
(DGDA), Awadi, Madras 600 054,
3. Controller,  
Controllerate of Quality Assurance,  
(Infantry Combat Vehicles),  
Ordnance Factory Estate,  
Yeddumailaram 502 205,  
Medak District.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS: SHRI N.V.RAGHAVAREDDY, Addl. CGSC

CORAM:

HON'BLE. SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

(ORAL ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Shri S.Ramakrishna Rao, learned counsel for  
the applicant and Shri Satyanarayana representing Shri  
N.V.Raghava Reddy, learned standing counsel for the  
respondents.

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2. The applicant in this OA is presently working as Stenographer under R-3. He came on transfer from Madras. Against the transfer from Madras to Medak Factory at Yeddumailaram, he filed O.A.No.84/94 on the file of the Madras Bench of the Tribunal. That OA was disposed of with the following direction:-

"We find that the applicant has not chosen to produce any material relating to the criminal case pending against him at Madras. As rightly pointed out by the Respondents, if the applicant wants to make any representation giving details, he could do so after joining the new post at Medak and he cannot disobey the transfer order. We find that there is some force in this contention of the respondents. However, we make it clear that it is still open to the applicant to make a representation to the respondents giving more details for transfer to Madras after joining the post at Medak and the respondents will sympathetically consider, if any such representation is made after joining at Medak."

3. In pursuance of that direction, the applicant submitted a representation dated 15.12.94 to R-1 (Annexure V at page 16 of the OA). That representation was forwarded to R-1 by R-3 strongly recommending his case for transfer in terms of the letter No.0004/AE/3/KD dated 16.12.94

(Annexure A-IV at page 14). His representation was rejected by the impugned order No.0004/AE/3/KD dated 19.4.95 (Annexure A-I at page 10). It is also stated in the impugned order that the applicant should make suitable arrangement at his level to defend the court case.

4. Aggrieved by the above, he has filed this OA for setting aside the impugned order dated 19.4.95 (Annexure AI) and for further direction to retransfer him back to Madras.

5. The applicant in this OA pleads that his presence at Madras is very essential as he has to be personally present in the criminal case pending against him in the Court of Sub Divisional Judicial Magistrate, Poonamale, Madras. He also submits that the C.A.T, Madras Bench had observed that his case has to be considered sympathetically. R-3 had also forwarded his application strongly recommending his case for retransfer to Madras. But inspite of the above, his case was rejected by the impugned order dated 19.4.95 without giving any reason for the rejection. He further submits that it will be very difficult for him to go to Madras every now and then to be present in the Court in the criminal case due to non availability of leave and also heavy expenditure to be incurred by him for such movement. He being a low paid employee, cannot afford to go to Madras every now and then incurring heavy expenditure. In view of the above, he now submits that his case must be reconsidered sympathetically and he should be transferred to Madras.



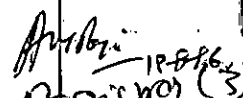
6. The impugned order states that the competent authority after careful examination of his representation dated 15.12.94 has rejected his representation. But he had addressed the representation to R-I. Hence in view of the circumstances referred to above, I feel that this case has to be seen by R-I personally and he should record reasons for rejecting his case. To facilitate the above, the applicant may now send another representation through proper channel to R-I for reconsideration of his case. A speaking order issued by R-I should be sent to the applicant if his case is rejected.

7. With the above directions, the OA is disposed of .  
No costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

DATED:- 13th-September, -1996  
Open court dictation

vsn

  
Dy. Registrar (3)

Copy to:-

1. The Director General of Quality Assurance, Ministry of Defence, Union of India, Dept. of Defence Production, DHQ PO, New Delhi.
2. The Controller, Controllorate of Quality Assurance (Heavy Vechiles) Ministry of Defence, (DGDA), Awadi, Madras-54.
3. The Controller, Controllorate of Quality Assurance, (Infantry Combat Vechicles), Ordnance Factory Estate, Yeðdumailaram, Medak District.
4. One copy to Sri. S.Ramakrishna Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Raghava Reddy, Adml. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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3/10/96 491/96

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THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 13/9/96

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

O.A. NO.

in  
491/96

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

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ORDERED/REJECTED

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