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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 645/96.

Dt. of Decision : 10-06-96.

Racherla Veera Raju

.. Applicant.

Vs

1. The Chief General Manager,
Telecom, A.P.Circle,
Hyderabad.
2. The Telecom District Manager,
West Godavari District,
Eluru.

.. Respondents.

Counsel for the Applicant : Mr. S.Ramakrishna Rao

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CCRAM:

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

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ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr. N.R.Devaraj, learned counsel for the respondents.

2. The applicant who was working as a SDO (Phones) at Tadepalligudem was transferred and relieved by order No.TAE/EST/Gr.'B'/Tfrs/II/67 dated 30-05-96 (Annexure A-I) as Sub-Divisional Engineer (Headquarters) at Rajahmundry. The above transfer and relieving order is assailed in this OA.

3. The main contention of the applicant against the relieving order is that no transfer order has been served on him issued by the competent authority. He further submits that the transfer order was reported to have been issued by R-1 in terms of letter No.TA/STA/70/4/XXVIII/kw dated 30-05-96 and on that basis he was relieved by the impugned relieving order on the same day (in terms of order No.TAE/EST/Gr.'B'/Tfrs/II/67 dated 30-05-96 (Annexure A-I) relieving order). From the above it is evident that as both the order transferring him by R-1 and the relieving order by R-2 was issued on the same day by Fax message, ~~There was~~ ^{is} a malafide intention on the part of the respondents in transferring him from Tadepalligudem to Rajahmundry. It is further submitted that no reason for his transfer was told to him either earlier or while relieving him from the post.

4. A reply has been filed resisting the OA. The main contention of the respondents in transferring him is that an investigation is pending against him on certain complaints received from the public of the Tadepalligudem as well as the Telecom Advisory Committee Members of the W.G. District. The

nature of the complaints relate to the delayed shifting of telephone connections after getting the feasibility report from his subordinate or in some cases the phones were shifted even without the feasibility report. In view of the above complaints the authorities had left with no other alternate except to shift him from the post of SDO at Tadepalligudem.

5. When the learned counsel for the respondents was questioned for the reason for not proceeding against him under disciplinary rule if there are complaints against him, he submitted that it is proposed to institute an enquiry also in this connection to investigate the complaints against the applicant. But as the applicant is a very influential person at Tadepalligudem it was thought necessary to transfer him before initiating enquiry as his presence at Tadepalligudem will prejudice the proceedings of the enquiry. It is further stated that the applicant was asked to give the place of his choice before his transfer by R-1 and on that basis he was transferred to Rajahmundry.

6. It is not necessary at this stage to go into the reasons which resulted in transferring him from Tadepalligudem to Rajahmundry. Both the sides agree that in case the applicant is brought back to Tadepalligudem if the alleged complaints against him are proved to be incorrect, ^{the existing, present} the transfer order of the applicant may be treated as temporary and allowed to continue for the time being.

7. It is further submitted by the learned counsel for the respondents that in case the complaints against the applicant were proved to be in-correct he will be transferred ^{back} to Tadepalligudem and only a temporary arrangement will be made presently to fill up the post vacated by him at Tadepalligudem

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so that his bringing back at a later date as indicated above will not be difficult. It is also submitted by the learned standing counsel that all efforts will be made to complete the proposed enquiry very expeditiously. The above submission of the learned standing counsel was made on the instructions from his client Mr.K.Gopala Krishnan, AGM, who was present in the Court. In view of the above submission the OA is disposed of as below:-

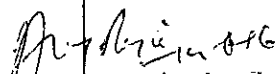
The alleged complaints against the applicant should be enquired into expeditiously preferably within six months from the date of receipt of a copy of this order. If the alleged complaints are proved to be incorrect the applicant should be transferred back to Tadepalligudem immediately after the enquiry report is accepted.

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



(R. Rangarajan)
Member (Admn.)

Dated : The 10th June 1996.
(Dictated in Open Court)


Dy. Registrar (Judl.)

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Copy to:-

1. The Chief General Manager, Telecom, A.P.Circle, Hyderabad.
2. The Telecom District Manager, West Godavari District, Eluru
3. One copy to Sri. S.Ramakrishna Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

24/6/96

OA-6451ab

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 16/6/96

ORDER/JUDGEMENT
O.A. NO. / R.A. / C.P. No.

O.A. NO. in 6451ab

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
वैषम्य/DESPATCH
20 JUN 1996
हैदराबाद न्यायपीठ
HYDERABAD BENCH