

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.774 of 1996

DATE OF JUDGMENT: 28.6.1996

BETWEEN:

S.H.V.PRASADA RAO

.. Applicant

and

1. The Chief General Manager,
Telecommunications,
A.P., Hyderabad,
2. The Director General,
Department of Telecommunications,
New Delhi,
3. The General Manager,
Telecom District,
Vijayawada.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI K.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS: SHRI N.R.DEVARAJ, SR.CGSC

CORAM:

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

JUDGEMENT

Heard Shri K.Venkateswara Rao, learned counsel for the applicant and Shri N.R.Devaraj, learned senior standing counsel for the respondents.

2. The applicant who was working as Divisional Engineer, Vijayawada was transferred by the impugned order No.12-49/95-SIG1, dated 19.6.96 as ADG(QA), TCHQ, New Delhi and he was relieved by the impugned relieving order No.TA/STA/70/3/XVIII/KW-



III, dated 25.6.96 (Annexure A-1 of the OA). This transfer order is assailed in this OA.

3. The applicant contends as follows for retaining him at Vijayawada:-

(i) He came to Vijayawada only two years back. Before 1989 when he was posted as SDO, Kothagudem, he had never worked in Andhra Circle and he spent his time in Karnataka Circle and elsewhere. As he is posted to Vijayawada only recently, he has not completed his tenure;

(ii) When he was posted to Vijayawada, he requested for transferring his wife who is employed as Telephone Supervisor (Operations) from Bhadrachalam to Vijayawada which was acceded to. Earlier to that, they never worked together in the same place. By this transfer to Delhi, they will be separated once again;

(iii) He belongs to ST community and hence the rules for transfer in regard to the ST community are not followed;

(iv) He is building a house at Vijayawada for which House Building Advance was granted to him on 7.3.96 (Annexure A6). His presence at Vijayawada to complete the house building is essential. It is further submitted by the learned counsel for the applicant that no public interest is served by transferring him to Delhi.

4. The learned senior standing counsel for the respondents contended as follows:

(i) The House Building Advance has been given to the applicant for purchase of a ready built flat and hence the question of his supervising the construction does not arise;

(ii) Wife of the applicant was at Kothagudem and she was transferred to Vijayawada at the request of the applicant when he was transferred to vijayawada. The averments in the OA that his wife was employed at Vijayawada and he was posted to Vijayawada is not borne by facts;

(iii) The transfer was ordered in public interest. However, he could not elaborate the reasons for public interest as the same is not ~~rightly~~ ^{justify} available with him.

(iv) Wife of the applicant being an employee in the Dept. of Telecom. can request for her transfer also to Delhi in public interest. It is further submitted by the senior standing counsel that the last contention was submitted under the instructions from the Law Officer of the Department.

5. I do not propose to examine these contentions as it is too premature to go into the various contentions raised in this OA. When a transfer is ordered, normally it is for the applicant to submit a representation against the transfer indicating the reasons for retention in the old place and if such a representation is received, the concerned authorities have to dispose of the same in accordance with the rules. Only in extreme cases such procedure may not be followed. But in this case, I feel that the applicant must necessarily make a

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representation to the Director General, Department of Telecommunications and that representation has to be disposed of in a time schedule framed. Till such time, in order to protect the interest of the applicant, status-quo order is necessary. That status-quo order can be issued only if the applicant is not relieved from his post till now and none else has been posted vice him in Vijayawada as DE, Vijayawada. In view of the above, the following direction is given:-

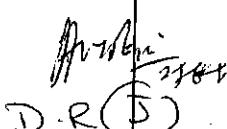
The applicant if so advised may submit a detailed representation to the Director General, Department of Telecommunications taking all the available contentions for retaining him at Vijayawada within a period of 15 days from today and send the same by Registered Post with Acknowledgement Due. If such a representation is received by the Director General, Department of Telecommunications, the same should be disposed of expeditiously and the decision taken should be informed to the applicant by a speaking order. Till such time the representation is disposed of, status-quo as on date should prevail subject to the condition that the applicant is not relieved so far from his post and none else has been posted vice him as DE, Vijayawada.

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


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 28th June, 1996
Open court dictation.

vsn


D.R.(S)

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D.A.NO.774/96

Copy to:

1. The Chief General Manager,
Telecommunications,
A.P., Hyderabad.
2. The Director General,
Department of Telecommunications,
New Delhi.
3. The General Manager,
Telecom District,
Vijayawada.
4. One copy to Mr.K.Venkateswar Rao, Advocate,
CAT, Hyderabad.
5. One copy to Mr.N.R.Devraj, Sr.CGSC,CAT,Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One copy for duplicate.

YLKR

4/7/96
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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 28.6.96

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

in
O.A. NO. 774/96.

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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