

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION No. 815 of 1996.
DATE OF DECISION : 09-07-96.

N. Jagannadham

.. Applicant.

Vs

The Govt. of India, rep. by
its Chief Engineer,
Central Water Commission (KG Basin)
5-9-201/B Bl, Chirag Ali Lane,
Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. C.Ravindra Nath

Counsel for the Respondents : Mr. V.Rajeswara Rao, Addl. CGSC.

CORAM:-

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

ORDER

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

Heard Mr.C.Ravindra Nath, learned counsel for the applicant and Mr. V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA is a Junior Engineer under the respondents organisation of CWC at Hyderabad. He is working here from 31-01-92. By the impugned order No.A-22015/1/96-Adm(CE)/1954-2014 dt. 05-06-96 (Annexure A-1) he was transferred to site 42A-GR Bridge and one Mr. K.J.Mohan Rao was posted vise him who is reported to have joined vise the applicant herein at Hyderabad. This OA is filed assailing the above said transfer order.

3. The main reason for the applicant for challenging the transfer order is summarised as below:-

1) The applicant ^{is} doing his B.Tech., course final year under the Distance Education programme of J.N.T.U Hyderabad. He has to write the examination starting from the month of September and his course will be over by February 1997. Hence his presence at Hyderabad is necessary for studying for the examination and also completing his course. 2) His child is studying in the Kendriya Vidyalaya in the first standard only. If the child has ^{an} completed one year, he can get automatic admission in Kendriya Vidyalaya elsewhere. If the child is shifted in the middle of the year the child cannot get admitted in the Kendriya Vidyalaya elsewhere where he is posted and that will affect him badly. 3) His father is 73 years old and he is sick also. As his father is a widower he has to look after him at this old age. His wife is ^{is essential} asthma patient and her medical care at Hyderabad where good weather condition exists.

4.. The applicant submits that inspite of these problems he will carry out his transfer after his B.Tech., Course is over in the month of February 1997. He will have no objection to carry

out the transfer wherever he is transferred after Februrary 1997.

5. The learned standing counsel submits that this is a routine transfer order once in four years. As the applicant had completed four years in Hyderabad station, he has been transferred in accordance with rules. His reliever also who was ^{earlier} in the rural area has joined and no vacancy is available now to accomodate the applicant at Hyderabad.

6. I have heard both the parties. The submission of the applicant is that he has to complete his B.Tech., course which extends upto February 1997 and hence he should be retained in Hyderabad till then. The applicant further submits that he will carry out the transfer to any place after February 1997 after the B.Tech., course is over. There appears to be reason for his ^{to be retained} request in Hyderabad in view of the above submission. The applicant had filed representation to the Chief Engineer dt. 7-06-96(Annexure-2). In that representation, he has also mentioned about his prosecuting B.Tech., studies in J.N.T.U. Hyderabad. Probably without considering his request in view of his study, the Chief Enginer has rejected his application by a non speaking order. He also submitted a representation to the Chairman, CWC but it is stated by the learned standing counsel that representation addressed to the Chairman dt. 26-06-96 (Annexure-3) is still pending.

7. In view of the above, I am of the opinion the Chairman,CWC has to reconsider the issue of the transfer of the applicant from Hyderabad and consider his request for retaining him at Hyderabad till February 1997. The representation submitted to the Chairman in this connection should be disposed of by him by a speaking order taking into account the factors

(Signature)

mentioned in this OA within a period of two months from the date of receipt of a copy of this order. Till such time the representation is disposed of, the applicant should continue to take his own leave and if he applies for the leave it should be granted in accordance with rules.

8. In the result, the following direction is given:-

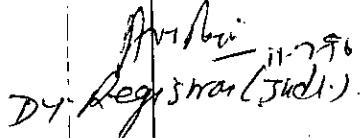
The Chairman, CWC should dispose of the representation of the applicant dt. 26-06-96 taking due note of the various contentions made in this OA and also taking note of the observations made by me as above and inform the applicant through a speaking order within a period of two months from the date of receipt of a copy of this order. Till such time the representation is disposed of, the applicant may apply for leave and if he applies for the same, the same should be granted in accordance with rules.

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

(Registry should send a copy of the OA alongwith the judgement to the Chairman, CWC, Sewa Bhavan, R.K.Puram, New Delhi)


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 09th July 1996.
(Dictated in the Open Court)


D.Y. Registrar (Jkl)

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Copy to:-

1. The Chief Engineer, Central Water Commission(KG Basin)
5-9-201/B Bl, Govt. of India, Chirag Ali Lane, Hyd.
2. One copy to Sri. C.Ravindra Nath, advocate, CAT, Hyd.
3. One copy to Sri. V.Rajeswara Rao, Addl. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.
6. One copy to Chairman, CWC, Sewa Bhavan, R.K.Puram,
New Delhi.

Rsm/-

~~C.C. Today~~
~~C.C. Today~~
~~11/7/96~~
~~DA 8179~~
9/7/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 9/7/96

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

O.A. NO.

815/96.

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

YLKR

II COURT

*1/2 copy of List A & 5th
Claimant case -*

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण/DESPATCH

15 JUL 1996 N.Y.

हैदराबाद दायरी
15 JUL 1996 N.Y.