

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.935 of 1996

DATE OF JUDGEMENT:- 8th October, 1996

BETWEEN:

MOHD. SULEMAN

.. Applicant

and

1. The Development Commissioner (H),
O/o the Development Commissioner Handicrafts,
West Block No.7, Ramakrishnapuram,
New Delhi 110 066,
2. The Director-in-charge (SR),
O/o the Development Commissioner,
(Handicrafts), Southern Region,
Ministry of Textiles, Shastri Bhavan,
Madras 600 006,
3. The Assistant Director,
Office of the Development Commissioner,
(Handicrafts), Marketing & Service Extn. Centre,
Hanmakonda, Warangal. .. Respondents.

COUNSEL FOR THE APPLICANT: SHRI V.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS: SHRI V.RAJESWARAO, Addl. CGSC

CORAM:

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

JUDGEMENT

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

Heard Shri V.Venkateswara Rao, learned counsel for the applicant and Shri V.Rajeswara Rao, learned standing counsel for the respondents.



2. The applicant while working as Craftsman in Carpet Weaving Training Centre at Buttayagudem, it was decided in 1995 to close down that unit. The staff members working in that Training Centre were transferred to the Advanced Training Centre, which was established at Buttayagudem in terms of the order dated 6.9.95 as a temporary arrangement pending final approval of Govt. of India for closure. It is stated that the applicant was discharging duties as Assistant Instructor under the supervision/guidance of one Shri Md. Yousuf, Instructor who was also transferred along with the applicant to the ATC, Buttayagudem. It is stated that the applicant submitted a representation for promotion as Instructor or for higher salary equivalent to the post of Instructor on the ground that he was discharging duties attached to the post of Instructor in the ATC. Government of India vide its order dated 12.6.96 ordered closer of CWTC, Buttayagudem in Andhra Pradesh along with two centres. In view of the above closer, the applicant was transferred to CWTC, Sriperumbudur, Tamil Nadu by the impugned order No.DSR/ESTT/14/95-96/2681/777, dated 1.8.96 (Annexure-I). This OA is filed assailing the transfer order.

3. The main contentions of the applicant against the transfer order are as follows:-

(i) The applicant is discharging duties of Instructor and hence he is entitled for payment in the



grade of Instructor, Crafts Training Centre. As the post of Instructor is vacant, he can be accommodated against that post;

(ii) The post of Assistant Instructor at Carpet Weaving Training Centre, Chenchu Colony, Eluru and Carpet Weaving Training Centre, Dendulur, East Godavari District are vacant. Hence, he can be posted in any one of those centres instead of transferring him to Sriperumbudur in Tamil Nadu;

(iii) As he is a low salaried employee, his transfer to Sriperumbudur will cause innumerable hardship to him.

4. The respondents have filed reply. They categorically state that the applicant is not eligible for promotion as Instructor and hence he cannot claim posting as Instructor even if there are vacancies in A.P. against the post of Instructor. This has not been controverted by the applicant. The applicant cannot ask for promotion overlooking his seniors if there are any. Hence no direction can be given in regard to this contention.

5. The respondents further submit that though there were vacancies in the category of Assistant Instructor in the Centres at Chenchu Colony, Eluru and Dendulur, West Godavari District, there is no need to fill the post in those centres as the work load there does not warrant

(43)

posting of an Assistant Instructor category officer. Further the services of the applicant are required at Sriperumbudur urgently and hence he was transferred. The applicant cannot insist to post him at Chenchu Colony, Eluru or Dendulur, West Godavari District if work load does not demand posting of an Assistant Instructor category officer at those locations. But the learned counsel for the respondents submits on instructions that the work load in those locations did not warrant posting of an Assistant Instructor category officer. This point may be considered once again by the respondents and if there is need for posting of an Assistant Instructor category officer in those locations, the claim of the applicant may also be looked into.

6. It is an admitted fact that the applicant is not a highly paid official. Definitely it will cause hardship to him to carry out his transfer to a far off place in Tamil Nadu. Hence his case has to be considered on sympathetic ground.

7. Under the above circumstances, the only direction that can be given is that the case of the applicant for posting somewhere in Andhra Pradesh as Assistant Instructor has to be considered sympathetically as and when vacancies arise in future on priority basis provided the applicant joins at Sriperumbudur as Assistant Instructor and prays for retransfer back to any one of the centres in Andhra Pradesh.

D

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

The applicant should join at Sriperumbudur in obedience to the transfer orders dated 1.8.96. After joining, he may if so advised, submit a representation for transferring him back to any one of the CWT Centres in Andhra Pradesh as an Assistant Instructor or equivalent category. If such a representation is received by R-2, the case of the applicant for retransfer back to any one of the Centres in Andhra Pradesh on priority basis against the next arising vacancy should be considered favourably. This does not preclude the respondents to consider his case for posting in Chenchu Colony, Eluru or Dendulur, West Godavari District, if workload demands posting of an Assistant Instructor category official in those Centres also.

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

Me
(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 8th October, 1996
Open court dictation.

vsn

Ammaia 25/10/96.
D.R. (5)

(CCB)

..6..

O.A.NO.935/96

Copy to:

1. The Development Commissioner (H),
O/O The Development Commissioner Handicrafts,
West Block, No.7, Ramakrishnapuram,
New Delhi - 110 066.
2. The Director Incharge (SR),
O/O The Development Commissioner,
(Handicrafts), Southern Region,
Min. of Textiles, Shastry Bhavan,
Madras - 600 006.
3. The Asst. Director, O/O The Development Commissioner,
(Handicrafts), Marketing and Service Extra.Centres,
Hanamkonda, Warangal.
4. One copy to Mr.V.Venkateswar Rao, Advocate,
CAT, Hyderabad.
5. One copy to Mr.V.Rajeswar Rao, Addl.CGSC,
CAT, Hyderabad.
6. One copy to Library,CAT, Hyderabad.
7. One duplicate copy.

YLKR

Oct 11/96
O A 935/96

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 8.10.96

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

in
O.A.NO. 935/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

A/w copy to A to N:

