

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 942/96.

Dt. of Decision : 19-08-96.

G. P. Desai

.. Applicant.

Vs

1. The Administrative Officer, Directorate of Purchase&Stores Department, Atomic Energy, Govt. of India, VS.Bhavan, Anushakti Nagar, Mumbai-94.
2. The Regional Director, Hyderabad Regl.Purchase & Stores Unit, Dept. of Atomic Energy, NFC, ECIL Post, Hyderabad.
3. The Joint Controller of Finance & Accounts, NFC, ECIL Post, Hyderabad.
4. The Director, Directorate of Purchase & Stores, Dept. of Atomic Energy, VS Bhavan, Anushakti Nagar, Mumbai-94. .. Respondents.

Counsel for the Applicant : Mr. K.Venkateswara Rao

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

CORAM:

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

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ORDER

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

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

2. The applicant in this OA joined as LDC under R-2 w.e.f. 2-12-87. He was promoted as UDC and was posted to MRAU (City Office) Secunderabad as per memo No. Ref : DPS/2/1/(13)/90-Adm/8042 dated 15-12-1993 (Annexure-III). He was relieved from NFC Unit w.e.f. 21-12-1993 and he joined as UDC on 22-12-1993. While he was working as LDC under R-2 he was allotted quarter in DAE Housing Colony, Hyderabad exclusively to be allotted to the NFC employees only. He was asked to vacate the quarter by letter No. Ref : NFC/PA VII/E^S/1/1/94 dated 02-03-1994 (Annexure-IV). ~~He~~ ^{now} submitted a representation dated 18-03-1994 to allow him to retain the ^{it} quarter and in case ^{is} not possible to allow him to retain the quarter he had requested for reversion to the post of LDC and post him at NFC Unit so as to enable him to retain the quarter. That request was accepted and he was posted as LDC on reversion by order No. Ref : DPS/2/1/(13)/90-Adm/2972 dated 3-6-94 (Annexure-VIII). The applicant ~~is~~ now presently by the impugned memo No. Ref : DPS/2/1/(19)/94-Adm/3654 dated 2-8-96 (Annexure-I) was transferred in the same capacity as LDC to Central Accounts Unit, DPS, Mumbai, in public interest with immediate effect. It is further stated that he has been relieved from that post also by order No. Ref : DPS/HRPU/NFC/Staff-96 dated 6-8-96 (Annexure-II).

3. The applicant states that he accepted the reversion and joined as LDC due to his family circumstances and hence transferring him to a far of place to Mumbai will cause him irreparable damage and he has left with no alternative ~~except~~ to file this OA. This OA is filed assailing the above impugned order holding them as illegal and arbitrary and for a conse-

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quential direction to retain him as LDC in NFC Unit at Hyderabad.

4. The learned standing counsel today produced before me a confidential letter dt.15-6-96 addressed to the Regional Director, HRPSU by the Joint Controller (F&A). In that letter certain lapses ^{neCComTated} on the part of the applicant were indicated which resulted in his transfer to Mumbai. The applicant was informed, at the time of hearing the case, the ^{Sketchy} sketching details of the allegations as indicated in that letter, as it is a confidential one. But the applicant submitted that the allegations are not factual. However, I find from that letter referred to above that the applicant had already been counselled by the JC(F&A) in regard to the above lapses even earlier. Hence the mere statement of the applicant that these allegations are not factual cannot be taken at the face value. Inspite of the above, I feel that the applicant's case has to be considered sympathetically, in view of the fact that he came back to NFC on reversion. Though the transfer may cause hardship to the applicant, it is essential under the present circumstances to ensure that the applicant does not repeat such acts of indiscipline in future. As a measure of leniency his case for bringing him back to NFC Unit, Hyderabad, has to be considered sympathetically if he submits a representation for retransfer to NFC Unit, Hyderabad after joining at Mumbai. If such a representation is received the same should be considered sympathetically as early as possible.

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

The applicant may, if so advised, submit a representation for bringing him back to NFC Unit, Hyderabad after joining at Mumbai. If such a representation is received, the same should be considered sympathetically by the concerned authorities without any malice in regard to the various allegations made against him which resulted in his transfer to Mumbai.

6. The OA is ordered accordingly at the admission stage itself.

No costs.

(R. Rangarajan)
Member(Admn.)

Dated : The 13th August 1996.
(Dictated In Open Court)

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Analys
Dy. Registrar (J)

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O.A.NO.942/96

Copy to:

1. The Administrative Officer,
Directorate of Purchases & Stores, Dept.,
Atomic Energy, Govt. of India,
VS Bhavan, Anushaktinagar,
Mumbai-94.
2. The Regional Director,
Hyderabad Regd. Purchases & Stores, Unit,
Dept. of Atomic Energy,
NFC, ECIL Post,
Hyderabad.
3. The Joint Collector of Finance & Accounts,
NFC, ECIL Post,
Hyderabad.
4. The Director,
Directorate of Purchase & Stores,
Dept. of Atomic Energy, VS Bhavan,
Anushakti Nagar,
Mumbai - 94.
5. One copy to Mr. K. Venkateswar Rao, Advocate,
CAT, Hyderabad.
6. One copy to Mr. N. R. Devraj, Sr. CGSC,
CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One duplicate copy.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 13. 08. 96

ORDER/JUDGEMENT

D.A. NO./R.A/C.P. No.

in

D.A. NO. 942/96

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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केन्द्रीय प्रशासनिक अधिकारण Central Administrative Tribunal देशभूमि/DESPATCH
20 AUG. 1996
हृदयशाला न्यायालयीठ HYDERABAD BENCH