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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA.Sr. No. 1775/97.

O.A. No. 1775/97.

Dt. of Decision : 31-12-97.

1. M.R.Prasad
2. S.Sanyasi Rao
3. S.S.R.Bahadur
4. Ms.M.Ganga
5. P.Dharma Rao
6. S.Lakshmana Murthy
7. B.Venkateswarlu
8. V.Ranga Rao
9. B.Kesava Rao
10. K.Kumar
11. K.V.Jagadeeswar Rao
12. R.V.Ramana Murthy
13. B.Sankara Rao
14. D.Jayamani
15. N.Sriramamurthy
16. K.V.S.G.P.Sastry
17. P.Prakash Rao
18. M.Vasudeva Rao
19. N.Mohan Rao
20. S.Sita Raom
21. P.Patnaik
22. J.L.B.Kali
23. Smt.B.Jagadeeshwari
24. R.P.NAIDU
25. M.S.Prakash Rao
26. S.Lakshmi Bai
27. M.Appanna Dora

... Applicants.

Vs

1. The Flag Officer
Commanding-in-Chief,
Eastern Naval Command, Naval Base,
Visakhapatnam.
2. The Chief Staff Officer (P&A),
Headquarters,
Eastern Naval Command,
Visakhapatnam.

... Respondents.

Counsel for the applicants : Mr.S.Kishore

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

CORAM:-

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)





ORDER

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

Heard Mr.S.Kishore, learned counsel for the applicants and Mr.N.R.Devaraj, learned counsel for the respondents.

2. There are 27 applicants in this OA. They are now working in the Industrial Section under R-2. They were transferred from the Industrial Section to Non-Industrial Section by the impugned order No.CE/2007/2 dated 17-12-97 (Annexure-I). The applicants submit that by transferring them in the fag end of the year they will be loosing ~~heavily~~ ^{monetarily} as they will not be entitled for PL Bonus and adhoc bonus and other monetary benefits. Even earlier to the issue of the impugned order they submitted a representation dated 15-12-97 (Annexure-II) to transfer them only after the financial year is over i.e., after 31st March, 1998. The learned counsel for the applicants submit that even though this representation was available with the respondent authorities even before the issue of the impugned order dated 17-12-97, the respondents had transferred them without considering their representation.

3. This OA is filed praying for a declaration that the impugned proceedings No.CE/2007/2 dated 17-12-97 (Annexure-I) by R-2 is arbitrary, illegal and unsustainable and for a consequential direction to quash the same.

4. When the OA was taken up for hearing the learned counsel for the applicants submitted that they are interested only to ~~cancel~~ ^{cancel} the transfer ^{order} till 31st March, 1998. If they are transferred earlier to that ^{date} ~~they~~ ^{will} loose monetarily because of the denial of PL Bonus and other monetary benefits. Hence they requested that the impugned order dated 17-12-97 may be kept in obeyance till 31-3-98 and they ^{will} carry out the transfer from First April, 1998 onwards.

Te *D*

5. We have heard both the sides. The representation dated 15-12-97 is earlier to the issue of the impugned order and that two days earlier to the date of issue of the impugned order. Hence the respondents ~~are~~ ^{have} not considered that representation before issue of the impugned order. We cannot say that the respondents ~~are~~ ^{have} acted arbitrarily as the time from the date of submission of the representation ~~and~~ ^K from the date of issue of the impugned order is very short. However it is seen that the applicants have not sent any representation immediately after the issue of the impugned order. If they are aggrieved by the impugned order it is for them to submit ^K their higher authorities for considering their cases for retention till 31-3-98. Even now it is not very late for them to submit representation for considering their cases for retention up to 31-3-98. Hence the applicants may submit ^a detailed representation within 3 days from to-day for retaining them in the present post till 31-3-98. If such a representation is received the respondent authorities ^{has} to consider ^{this representation} ~~them~~ in accordance with law and dispose of the representation, ^{ent} within 15 days from the date of receipt of ~~that~~ representation.

6. It is suggested that the respondents may retain the applicants in the present position till the disposal of their representation if it is not otherwise inconvenient ^{ent} to the respondents to retain them. In case they cannot be retained then the respondents may consider their leave application till the disposal of the ^{application} ~~application~~ if ^{grant or leave do} it ~~does~~ not disrupt the work of the organisation.

Submitted and grant the leave as per for

7. With the above direction, the OA is disposed of at the admission stage itself. No costs.

B.S.JAI PARAMESHWAR

31.12.97 MEMBER(JUDL.)

Dated : The 31st Dec. 1997.
(Dictated in the Open Court)

SPR

R. RANGARAJAN
MEMBER(ADMN.)

*Ag. M
JAI*

6.4.4

Copy to:

1. The Flag Officer, Commanding in Chief, Eastern Naval Command, Naval Base, Visakhapatnam.
2. The Chief Staff Officer, (P&A), Head Quarters, Eastern Naval Command, Visakhapatnam.
3. One copy to Mr. S. Kishore, Advocate, CAT, Hyderabad.
4. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
5. One copy to D. R (A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

27/1/98
R. D. Today
II Court

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD, M.A.
And

The Hon'ble Mr. B. S. Jai Parameshwar
DATED: 31 - 12 - 1997 H(J)

ORDER/JUDGMENT:

M.A./R.A./C.A.-No.

in
O.A.No. 1775/92

T.A.No.

(W.R.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

p.v.m.

