

22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.199 of 1997

DATE OF JUDGEMENT: 23rd October, 1997

BETWEEN:

P.MANOHAR

.. APPLICANT

AND

1. The General Manager, South Eastern Railway,
Garden Reach, Calcutta,
2. The Chief Mechanical Engineer,
S.E.Railway, Calcutta,
3. The Sr.Divisional Mechanical Engineer(D),
S.E.Railway, Visakhapatnam,
4. The Assistant Personnel Officer,
S.E.Railway,
Visakhapatnam.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.P.KRISHNA REDDY

COUNSEL FOR THE RESPONDENTS: Mr.V.BHIMANNA, Addl.CGSC

CORAM:

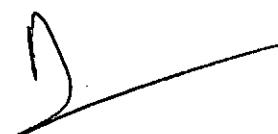
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

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

None for the applicant. Mr.V.Bhimanna for the respondents.

2. The applicant in this OA was transferred as Diesel Cleaner to DLS, MIB from DLS, Waltair in the same scale and rate of pay by the impugned order NO.WPV/400/16B dated



2.2.96 (Annexure V at page 19 to the OA). That transfer was challenged by the applicant by filing O.A.No.168/96 on the file of this Bench. That OA was disposed of by the judgement dated 6.3.96 directing the applicant to file a detailed representation to the General Manager for reviewing the order and the General Manager was directed to dispose of the representation when received within one month from the date of receipt of that representation. The General Manager had disposed of his representation by the impugned order No.P/L/13/M/TRANS/NCP/PT-I dated 01-06/07-1996 (Annexure II at page 9 to the OA) rejecting his request for retaining him at Waltair ~~and~~ cancelling his transfer order to DLS, MIB.

3. This OA is filed praying for setting aside the impugned order dated 01.06/07.1996 which confirms the earlier transfer order dated 2.2.96 and consequential direction to retain him in DLS, Waltair.

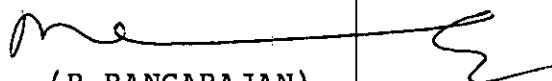
4. OA 169/96 (P.Kanniah v. General Manager and others) was also filed in this Tribunal for withdrawal of the transfer order of the applicant in that OA from DLS, Waltair to DLS, Baripada by the Office Order No.WPV/400/16/A dated 2.2.96. OAs 167/96, 168/96 and 169/96 were disposed of by the common order dated 6.3.96 as referred to above. The General Manager, South Eastern Railway had also passed an order as per the directions in the OA 169/96. That order is also same as the one now impugned. The applicant in OA 169/96 having aggrieved by the decision of the General Manager, SE Railway issued in pursuance of the direction given in that OA dated 6.3.96



had filed OA 1205/96 on the file of this Bench impugning the order of the General Manager and also his earlier transfer order from DLS, Waltair. That OA 1205/96 was disposed of on 7.7.97. The contentions raised in that OA are similar to the contentions raised in this OA. One of the pleas raised in that OA was that the transfer is irregular when it was issued due to some incidence in the Diesel Shed and such incidence should have been inquired into properly and then only on the basis of that inquiry the transfer should be affected as the transfer was done as a punity measure. That plea is also taken in this OA.

5. After considering all the grounds in OA 1205/96, that OA was dismissed for the reasons stated in the judgment dated 7.7.97 as lacking in merit. Against that order in OA 1205/96, Writ Petition No.21222/97 was filed in the High Court of Andhra Pradesh which was heard by a Division Bench. The Division Bench held that, "the Bench got no manner of doubt that the transfer is effected on administrative ground. As no malafides have been established, we concur with the reasons given by the Tribunal for rejecting the OA and hence the WP was dismissed".

6. As the present OA is identical to the OA 1205/96 which was dismissed and confirmed by the appellate court, I see no reason to differ from the judgement given in OA 1205/96 for the reasons stated therein. Hence this OA is also dismissed as having no merit. No order as to costs.


(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: 23rd October, 1997
Dictated in the open court.

OA.199/97

Copy to:-

1. The General Manager, South Easter Railway, Garden Reach, Calcutta.
2. The Chief Mechanical Engineer, South Easter Railway, Calcutta.
3. The Senior Divisional Mechanical Engineer (D), South Easter Railway, Visakhapatnam.
3. The Assistant Personnel Officer, South Easter Railway, Visakhapatnam.
4. One copy to Mr. P.Krishna Reddy, Advocate, CAT., Hyd.
5. One copy to Mr. V.Bhimanna, Addl.CGSC., CAT., Hyd.
6. One copy to E.R. (A), CAT., Hyd.
7. One duplicate copy.

srr

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (3)

Dated: 23/10/82

ORDER/JUDGMENT

M.A/R.A/C.A. NO.

in

D.A. NO. 199/82

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered / Rejected

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
देशपत्र / DESPATCH
- 3 NOV 1997
हृषीरावाद न्यायरीत
HYDERABAD BENCH