

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. 285/97

Date of decision: 12.3.1997

Between:

Smt. R.Hema

... Applicant

And

1. Chief Engineer,
Headquarters,
Southern Command,
Military Engg. Services,
Pune.

2. Director General of Naval
Projects,
Naval Base Post,
Visakhapatnam.

.. Respondents

Mr. V. Srinivas

.. Counsel for applicant

Mr. N.R.Devaraj, SCGSC

.. Counsel for respondents

CORAM

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

ORDER

Heard Shri V. Srinivas for the applicant and
Shri N.R.Devaraj, SCGSC, on behalf of the respondents.

2. It is seen from the OA that the applicant has been working continuously at Visakhapatnam from 1981 viz., for over 16 years. She claims, however, that her service between July 1986 to 1988 was actually under the Chief Engineer (Factory), Bolangir, although, for purely administrative reasons, her HQ was fixed and permitted to continue at Visakhapatnam. On the strength of this fact, the applicant claims that this segment of her service ought to be excluded while computing her station seniority at Visakhapatnam. This is an aspect with which this Court is not immediately concerned, and the matter is best left to be decided by the concerned authorities on merits or valid administrative considerations.

J. G.
12/3

3. It is also noticed that the applicant is just one among 18 Draftsmen Grade I who are stated to be surplus to the requirements at Visakhapatnam. Hence the impugned posting/transfer order. Of the 18 persons, as many as 16 are women-employees, including the applicant. The fact is that the remaining two male-employees have been posted to Port Blair/Bolangir, while an effort has been evidently made to re-locate the affected women-employees in softer stations like Bombay, Bangalore and Pune.

4. One of the grievances of the applicant, which is also a ground advanced by her against the impugned order, is that her station seniority was disturbed in 1992 at the instance of some of her colleagues without any notice or warning. Be that as it may, the applicant did not prefer any representation to the concerned authority at that point of time. While this was so, even the present representation, which is annexed to the OA, is concerning the rectification of what she claims to be a mistake in the altered seniority list issued in 1992. This representation was submitted after the issue of the impugned order and does not contain any request for cancellation or reconsideration of her transfer and posting from Visakhapatnam to Bangalore. All this would show that the applicant was never really vigilant about her own claims, such as they are, nor has she put forth any grievance based on any acceptable or permissible ground.

5. It was nevertheless forcefully urged on the applicant's behalf that she suffers from serious ailments and that her move from Visakhapatnam to Bangalore would seriously upset the present state of her health (para 6.d of the OA). This fact had not so far been represented to the respondents.

8/11/93

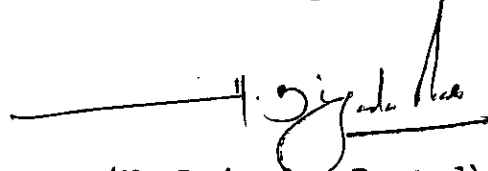
6. Considering all facts and after hearing both the learned counsels, liberty is hereby granted to the applicant to submit a proper representation narrating her problems and difficulties to Respondent-I (Chief Engineer, HQ, Southern Command, Pune) so as to reach him by 19th March, 1997, at the latest, R-1 shall thereafter examine the representation, arrive at a suitable decision and communicate the same to R-2 ~~by~~ so as to reach him by 31st March, 1997.

As an interim measure it is directed that the applicant shall not be relieved from her present post until 1st April, 1997.

The decision conveyed to her by R-1 shall be final and binding, and it shall not be open to the applicant to re-agitate the same grievance before this Tribunal in any future litigation.

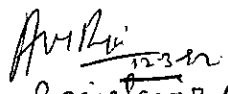
Should there, however, be any delay on the part of R-1 in the disposal of the applicant's representation within the date specified above, her relief, if ordered and found necessary, shall be suitably deferred upto 2 days following the receipt of decision of R-1 by R-2.

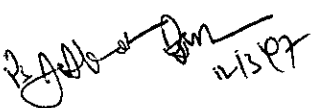
Thus the OA is disposed of at the admission stage.


(H. Rajendra Prasad)
Member (Admve.)

12th March, 1997
(Dictated in Open Court)

vm


Deputy Registrar (C) cc
1


12/3/97

-3.

O.A.285/97

To

1. The Chief Engineer,
Headquarters, Southern Command,
Military Engineering Services,
Pune.
2. The Director General of Naval Projects,
Naval Base Post, Visakhapatnam.
3. One copy to Mr.V.Srinivas, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.OCSC. CAT.Hyd.
5. One copy to D.R.(A) CAT.Hyd.
6. One spare copy.
7. one copy to Hon'ble H. Rajendraprasad. M(A) (AT, etc.)
pvm.

9/3/97

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 12-3-1997

ORDER / JUDGMENT

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

in

O.A.No. 285/97

T.A.No. (W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed.

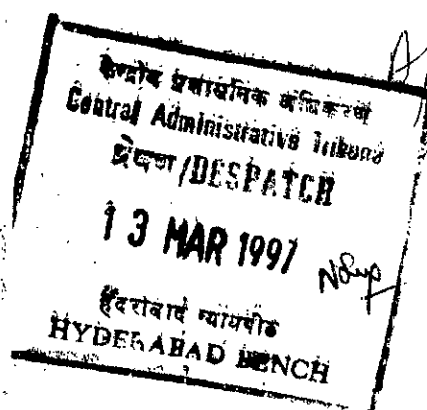
Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.



Shw mrg 20/3/97
R