

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

SC

O.A.423/97

Date of decision: 9.4.97

Between:

B.Sreenivasa Moorthy ... Applicant

And

1. Chairman,  
Telecom Commission,  
New Delhi.
2. Secretary,  
D/o Telecommunications,  
New Delhi.
3. Sr. Deputy Director General,  
(BW), Telecom Commission,  
New Delhi.
4. Asstt. Director General,  
(CW), D/o Telecommunications,  
New Delhi. ... Respondents

Mr. V.Venkateswara Rao ... Counsel for applicant

Mr. N.R.Devaraj, SCGSC ... Counsel for respondents

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

O R D E R

Heard Shri V.Venkateswara Rao for the applicant and Shri NR Devaraj, Sr. CGSC., for the respondents.

2. The applicant is a senior officer in the Civil Wing of Telecommunications Ministry. He has been functioning in his present appointment since May, 1989, and is due to retire on superannuation on 31st December, 1998. The applicant has now been transferred and posted as Chief Engineer (Civil), Postal, Bangalore in an existing vacancy, vide orders dated 1.4.97 (Annexure-4 to the OA).

3. It is stated that during the past several years the applicant has been suffering from many serious ailments like diabetes and those relating to cardiac dysfunction. Some time ago, he had to be hospitalised in a serious condition in the

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Nizam's Institute of Medical Sciences and has been undergoing regular check and review at the said Institute ever since. It has been certified by the Consultant in Medicine, CGHS that he needs Coronary Angiography and Angioplasty and he is advised not to undertake long travel in view of pulmonary embolism.

4. Quite apart from his own ill-health, it is revealed that the applicant's wife has her own serious health problems. Mastectomy was performed on her in 1983 and of-late there has been a recurrence of the old ailment of Carcinoma.

5. One daunting factor in the impugned posting is that the Chief Engineer (Civil), Postal, Bangalore (the post to which he has been transferred) ~~is required to undertake~~ <sup>is required</sup> extensive touring across a number of States. In his present state of health, the applicant states that he is hardly in a position to undertake repeated arduous journeys stretching into a number of States and locations. Furthermore, the continuing delicate state of his wife's health would not also permit <sup>his</sup> long absences from home.

6. It is seen that the applicant had submitted a representation to Sr. Deputy Director General (BW) as long back as 29.10.96, followed by two more representations dated 4.4.97 and 7.4.97. Although admittedly the last two representations have been submitted just a few days ago, there is reason to assume that his first representation may not perhaps have been examined in depth prior to the issue of the impugned orders. Considering the very distressing circumstances projected by the applicant, it is felt that it will be desirable for the respondents to re-consider the question of his transfer at this stage, and to ~~assess~~ the facts contained in his ~~successive~~ representations, if this has not been done already.

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7. It is also mentioned on behalf of the applicant that no officer has been posted in his place in the present appointment, and that he has not made over charge to any successor so far.

8. In the light of the facts and circumstances recorded above, it is considered equitable and expedient to issue the following directions:-

(1) The applicant shall make a comprehensive representation, addressed to Respondent-2, setting out his problems and difficulties in complying with the impugned transfer. He will incorporate in the representation such facts, supported by relevant accompanying documents, from the earlier representations which, in his view, would reinforce his case for retention. Such representation shall be submitted through the Chief General Manager, A.P. Telecom, under whose administrative control the applicant functions at present, within one week from today along with a copy of this OA.

(2) The Respondent-2 shall examine the contents of the representation and take a suitable, judicious and equitable decision in the matter, keeping in view the difficulties expressed by the applicant.

(3) Considering the fact that the impugned transfer order involves movement of a senior officer, it is expected that a suitable decision shall be taken and communicated to the applicant most expeditiously.

(4) Pending receipt of a decision in this regard, the applicant shall not be disturbed or asked to make over charge of his present appointment, if none has been posted in place of the applicant so far.

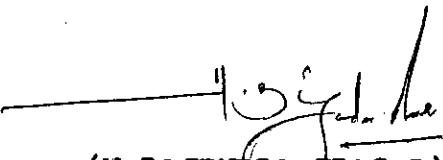
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9. Sri N.R.Devraj, Senior Standing counsel for the respondents, who was in broad agreement with the position as brought out above, nevertheless sought time to seek instructions in the matter. This was not considered necessary, since certain urgency and expeditious finalisation of the case is called for, as the case relates to the transfer and posting at a senior level in the Department.

10. An extract of para 8 of this Order shall be communicated to Respondent Nos., 2 to 4 at the cost of the applicant.

11. Thus the O.A., is disposed of at the stage of admission.



(H. RAJENDRA PRASAD)  
MEMBER (A)

Date: 9th April, 1997.

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*Ansible 65-7  
Deputy Registrar*

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O.A.423/97.

To

1. The Chairman,  
Telecom Commission,  
New Delhi.
2. The Secretary,  
D/o Telecommunications,  
New Delhi.
3. The Sr. Deputy Director General,  
(BW) Telecom Commission,  
New Delhi.
4. The Assistant Director General,  
(CW) D/o Telecommunications,  
New Delhi.
5. One copy to Mr. V.Venkateswar Rao, Advocate, CAT Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Hon'ble H.Rajendra Prasad, Member(Admn) CAT.Hyd.
8. One copy to D.R.(A) CAT.Hyd.
9. One spare copy.

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*9/6/97*  
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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.

Dated: 9 - 4 - 1997

ORDER/JUDGMENT

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

in

C.A.No.

*423/97*

T.A.No.

(w.p.)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions

*Central Administrative Tribunal*

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered Rejected.

No order as to costs.

*19 MAY 1997*

*HYDERABAD BENCH*

*W.C.M. 97*