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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 72/97
O.A.SR.No.4168/96.

Date of order : 20.1.1997.

Between

D.C.Naganna

.. Applicant

And

1. The Commissioner,
Central Excise,
Lal Bahadur Stadium Road,
Basheerbagh,
Hyderabad.

2. The Dy. Commissioner of
Customs & Central Excise,
Lal Bahadur Stadium Road,
Basheerbagh,
Hyderabad.

.. Respondents

Counsel for the Applicant. .. Shri A.K.Narasimha Rao

Counsel for the Respondents .. Shri V.Rajeswara Rao,
Addl. CGSC

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

The grievance of the applicant is that the respondents are not strictly following the guidelines evolved by the Joint Consultative Machinery in its meeting dated 12.4.96 to rotate every Driver once in two years from one Division to another. The policy decision adopted by the Joint Consultative Machinery is not justiciable. No violation of individual right of the applicant is disclosed. Moreover even according to the guidelines a rotation is contemplated after two years in one Division. The applicant himself has stated that he was rotated from Division No.IX to Division No.II during 1995 which date is stated by Shri V.Rajeswara Rao, learned Addl. CGSC to be 18.9.95. There is no reason to assume that since the applicant has completed two years in Division No.IX the respondents will in due course consider his case

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for rotation as per the guidelines. No direction in that behalf can be given by way of a judicial consideration.

2. The learned Standing Counsel states that ordinarily annual transfers are made in May/June. Since the completion of two years of the applicant in Division No.II was over in this year there is again no reason to assume that when the next occasion arises his case will not be examined and suitable decision taken. It may however be observed that the applicant cannot claim as a matter of right to be transferred from one Division to another but at the same time the respondents are expected to abide by the guidelines agreed to at the Joint Consultative Machinery meeting unless there is a very strong ground to make an exception. The O.A. is consequently rejected for want of cause of action.

M.G. Chaudhari

(M.G. Chaudhari)
Vice-Chairman.

Dated: 20.1.1997.
Dictated in Open Court.

br.

Arbinder Singh
Deputy Registrar (D.A.)

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G.A.72/97

To

1. The Commissioner,
Central Excise, Lal Bahadur Stadium Road,
Hyderabad.
2. The Deputy Commissioner of Customs & Central Excise,
L.B.Stadium Road, Basheerbagh, Hyderabad.
3. One copy to Mr.A.K.Narasimha Rao, Advocate, CAT.Hyd.
4. One copy to Mr.V.Rajeswara Rao, Adml.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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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: 20 - 1 - 1997

~~ORDER~~ / JUDGMENT

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

in

O.A. No. 72/97

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

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

Dismissed.

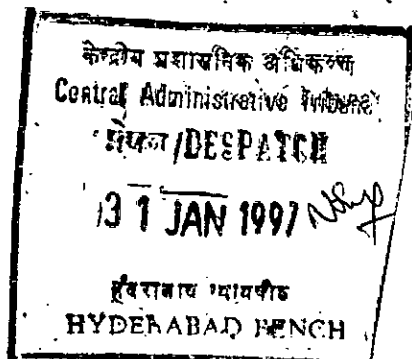
Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

pym.

to order as to costs.

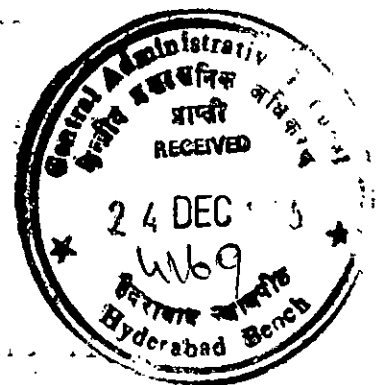


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYD:BA

M.A.No. of 1996

in

O.A No. of 1996



PETITION FILED UNDER SEC. 191 CPA

FILING SINGLE O.A.

Filed on: 24-12-1996

Filed by: A.K. Narasimha Rao
Advocate.