

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: AT HYDERABAD

....

O.A. 756/97

Date of decision: 23.6.1997

Between:

C. Yedukondalu .. Applicant

And

Chief Commissioner of Income-tax,  
Andhra Pradesh,  
Hyderabad.

... Respondent

Shri K.Sudhakar Reddy

... Counsel for applicant

Shri V.Bhimanna

... Counsel for respondent

CORAM

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

HON'BLE SHRI A.M. SIVADAS, MEMBER (JUDICIAL)

O R D E R

(Per Hon'ble Shri A.M.Sivadas, Member (Judicial))

The applicant being aggrieved by A-1 order transferring him from Hyderabad to Vizag seeks to quash the same. The applicant is working as Programmer under the respondent. As per A-1 order he is transferred to Vizag by the respondent. The applicant says that he came to Hyderabad on a request transfer from Jabalpur and before completion of his tenure of 3 years he has been transferred from Hyderabad to Vizag and the same is against established norms of Central Government in regards to transfers.

2. There is no case for the applicant that A-1 order under challenge is issued by an authority who is not competent to do so. There is no allegation of malafides made in the O.A. The only ground stated in the OA is that the applicant has not completed 3 years at Hyderabad and therefore A-1 order

is against the established norms. It is not known under what rule which is statutory by nature the applicant is entitled to continue in a station for a period of 3 years. Though the applicant has stated that A-1 is against the established norms, no copy of the alleged norms ~~was~~ produced by the applicant. There will be guidelines with regard to transfers. It is needless to say that guidelines are not enforceable before a legal forum as they do not have the force of statutory rules. There is no case for the applicant that he is holding a non-transferable post. Transfer is an incident of service. There is nothing to arrive with a conclusion that the transfer order (A-1) is not in exigencies of service. From A-2, the representation made by the applicant to the respondent, it is ~~seen~~ <sup>stated</sup> that he has got domestic problems and therefore his transfer may be cancelled and he may be allowed to remain at Hyderabad. If the applicant has got any domestic problem, it is a matter for the administration to look into and pass appropriate orders. It is not for the Tribunal to go into the domestic problems of the applicant and to interfere with an order of transfer.

3. ~~order~~ We do not find any ground to interfere with the A-1 transfer. This OA is only to be dismissed and we do so. Since the applicant has submitted A-2 representation, we direct the respondent to consider the same and pass appropriate orders within 2 weeks from today. The learned counsel for the respondent submitted that he will communicate the order to the applicant.

~~This OA is disposed of.~~

(A.M. Sivadas)  
Member (Judicial)

(H. Rajendra Prasad)  
Member (Administrative)

23rd June, 1997

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*Prabhu*  
Deputy Registrar (O.C.)

O.A.756/97

To

1. The Chief Commissioner of Income Tax,  
A.P. Hyderabad.
2. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
3. One copy to Mr.V.Bhimanna, Addl.CGSC. CAT. Hyd.
4. One copy to D.R.(A) CAT.Hyd.
5. One sparecopy.

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6/7/97

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COMPARED 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)

The Hon'ble Mr. A.M. Sridhar I.M (D)

Dated: 22-7-1997

ORDER/JUDGMENT

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

in

O.A.No. 756/97.

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.

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