

Judgement

Oral order (per Hon. Mr. H.S. Jai Parameshwar, Member(judl))

Heard Sri G.V. Subba Rao for the applicant and Sri V. Rajeswara Rao for the respondents.

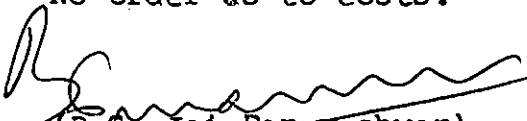
1. The applicant herein is working as UDC in the office of Respondent-1. He has been working there since 1990. During the month of ^{February} ~~March~~, 1997, he was cautioned that he would be transferred. Then the applicant himself indicated his choice of going to Portblair. The Chief Engr. Southern Command, Pune, by his order No.132402/97/UDC/14/EIB(S) dated 28-2-1997 transferred the applicant to Portblair.
2. Thereafter, the applicant submitted two representations dated 25-4-1997 and 28-6-1997 requesting for retention at Secunderabad due to domestic difficulties. It is stated that the said representations are yet to be disposed of. His representations were forwarded to the Chief Engineer, Southern Command, recommending for retention.
3. Apprehending that the authorities may issue him ^{the} Movement order, the applicant has filed this OA praying for the following reliefs :

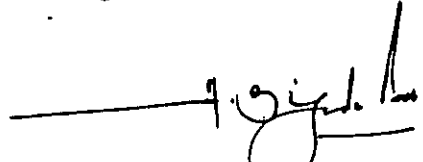
To call for the records pertaining to the office order No.302 dt.25-7-97 issued under letter No.10070/1559/E7B dated 25-7-97 issued by the Chief Engineer(Fy), Hyderabad and quash the same by declaring it arbitrary, illegal and unconstitutional violative of Articles 14 and 16 of the Constitution and consequently direct the respondents to retain the applicant till the end of December, 1997 at Hyderabad in view ^e of the circumstances mentioned in his representations dated 25-4-1997 and 28-6-1997 which have not been disposed of.

4. The learned counsel for the applicant mainly pleaded for the retention of the applicant till December, 1997 or till his representations are ~~re~~considered.

5. Since the applicant has been working in the present post for the last nine years his transfer to Portblair cannot be treated as premature or otherwise. Transfer is ^{an} incidence of service and ^{this} Tribunal cannot interfere with the orders of transfer. We feel that merely because his representations are pending consideration is not a ground for this Tribunal to direct to issue or not to issue the movement order. The applicant has been issued Movement order dated 25-7-1997. It itself indicates that his earlier representation dated 25-4-1997 and 28-6-97 have been considered and rejected. When that is so, we feel that there is no necessity of issuing further direction to the respondents to retain the applicant till his representations are considered. Hence we find no merits in this OA.

6. The OA is dismissed at the stage of admission itself.
No order as to costs.


(B.S. Jai Parameshwar)
Member (Judl.)

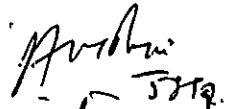

(H. Rajendra Prasad)
Member (Admn)

30 Jul 97.

Dated : July 30, 97
Dictated in Open Court

30797

sk


Deputy Registrar ⁵⁸¹² C.D. Ce

8/8/97

T COURT

TYPED BY

CHECKED BY

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. B. S. Jaigaramanwar, M(C)

Dated: 30-7-1997

ORDER/JUDGMENT

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

in

O.A.No. 968/97

T.A.No. (w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed. at the admission stage

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ब्रेवण/DESPATCH
18 AUG 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH