

16
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 1243/96.

Dt. of Decision : 06-11-96.

Nagendra

.. Applicant.

vs

1. The Director General,
Org. Service, MGO's Branch,
Army Headquarters, DHQ PO,
New Delhi. 110 011.
2. The Commandant, ACC Centre,
Secunderabad-500 015.
3. The Officer-in-Charge,
Establishment (Civ),
ACC Centre, Secbad-15.

.. Respondents.

Counsel for the Applicant : Mr. V. Venkateswara Rao
Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMIN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

5. The learned counsel for the applicant submits that such a willingness was never given. He further submits that ~~his~~ signature was taken on a blank paper and on that something was typed stating that he ^{is} willing to go to Mumbai. Such records should not ^{be} ~~depend~~ ^{upon} for issue of the transfer order. However the applicant has not produced any valid evidence to come to the conclusion as stated by him. In the absence of any valid evidence the Court or Tribunal should not take a hasty decision in this connection.

6. In view of what is stated above, we are of the opinion that the ends of justice will be met if the applicant is ^{and} ~~is~~ permitted to file a representation to the concerned within a week from today. If such a representation is received, the same should be disposed of by the competent official within three weeks from the date of receipt of that representation. Till such time the disposal of the representation as above the applicant, if so advised, may submit a leave application and the leave as requested should be granted in accordance with rules.

7. In case the authority concerned decides that the movement order should stand good then the applicant is permitted to file a detailed representation to re-transfer him back to Secunderabad after joining at Mumbai. If such a representation is received on his joining at Mumbai, the same should be considered by the competent authority in accordance with rules sympathetically when a next vacancy arises at Secunderabad.

8. The CA is disposed of at the admission stage itself on the above terms. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

न्यायाधीश
COURT OFFICER
HYDERABAD BENCH

TC
Wdy

A. VI

TC
Wdh

Sir, further it is for your kind information that I have not been paid my Salary for the month of Oct 1996 till now. The Bonus for the year 1995-96 was already been paid to the other Staff, but the same is not paid to me. I am finding it very difficult to maintain without salary. Hence, I request that the same may be paid to me immediately.

Sir, at the time of my posting to AOC Centre Secunderabad my Basic pay was Rs. 1070/- pm i.e. during the year 1990. But till date even after the Judgement issued by CAT Hyderabad in CA No. 46/93, my pay scale and further increments in the scale of pay of Rs. 950-20-1150-1500 30-1500 has still not so far been claimed and paid to me.

In view of the above, I with folded hands request your kindness to take immediate action for correcting my pay and increment and arrears to be paid to me at the earliest. For which act of kindness I and my family will remain ever grateful to you Sir.

Thanking you,

Yours' faithfully,

Dated : 14 Mar 96

Encls : As stated

Copy to :-

(NAGAPPA)
Labourer (Ex Bootmaker)

DO FILE (EME CIV-3)
Army Headquarters
DHQ 20, New Delhi - 110011

- for info and necessary action please.
Sir, I may please be posted back to 1 EME centre, Secunderabad duly re-instating me in my original trade of Bootmaker please.

GOD
Blessed

- for info pl.

Tc
Wbr

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18 VII
REGISTERED BY POST WITH A/D

Tele : 862251/2084

Mukhyalaya
Sena Ayudh Corps Kendra
Headquarters AOC Centre
Secunderabad-500015

60128/Posting/Civ/Q

02 Dec 96

Labour Shri Nagappa
H.No 15/83, Risala Bazar
Belarum
Secunderabad-500010

COURT CASE OA NO 1243/96 IN CONNECTION
WITH PERMANENT POSTING TO COD MUMBAI

1. Your attention is drawn towards the following references:-

(a) Your application filed in CAT, Hyderabad under OA No 1243/96.

(b) CAT, Hyderabad judgement order dated 06 Nov 96 on OA 1243/96.

(c) Your application, No Nil dated 14 Nov 96, received on 20 Nov 96 addressed to Commandant, AOC Centre and copy to DG EME (EME-Civ-3) Army HQ, New Delhi.

2. The transfer order has been carried out as per Army HQ letter No 86992/SCT/OS-8C(i) of 23 Aug 96 which is mentioned in the move order issued vide AOC Centre letter No 60128/Posting/Civ of 14 Oct 96. The transfer is carried out to adjust the surplus and deficiencies. It is further informed that the transfer of Civilian personnels is being controlled by Army HQ and not by HQ AOC Centre. As such the movement order issued by this office stands good. Therefore, you are advised to report to new duty station without further delay.

3. As per existing order, the individual will be paid his dues during the service period only with that particular unit, as such your payments due prior to Oct 96 had already been paid. The bonus for the year 1996 for Rs.2317/- (Rupees two thousand three hundred and seventeen only) vide Demand Draft No 212414 of 28 Nov 96 has been forwarded vide this Centre letter No 61502/Bonus/PF/Cash dt 30 Nov 96 to COD Mumbai for further handling over to you. However, the balance salary for the period (served with this Centre) from 01 Oct 96 to 15 Oct 96 has been claimed and awaited from CDA. The same will be forwarded to your unit on its receipt for their necessary action.

4. Regarding your basic pay increment, you have already been paid a sum of Rs.11,676/- (Rupees eleven thousand six hundred and seventy six only) towards the arrears on 28 Apr 94 as passed by CDA, Secunderabad against the Court judgement OA No 46/93.

TC
WB

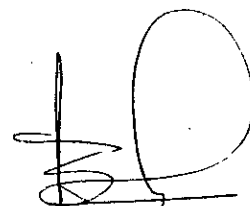
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see memo tace to replace the high school copy.
on Oct 14. 10.86 Amk ^{Pg 13} by Thomas Mery.

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2/11/87

5. Further correspondence may be routed through your present unit i.e COD Mumbai. However, you are also advised to forward the instructions of Govt of India, under which the group 'D' employees are not to be subjected to transfer to a distant place, for our further action as quoted in your application dt 14 Nov 96.

6. Please confirm receipt.



(Prithi Singh)
Lt Col
Centre Quartermaster
for Offg Commandant

Copy to :-

Shri V B Simanna
Sr C G S/C
Central Administrative Tribunal
Hyderabad

Mr V Venkateswara Rao
Advocate
1-8-43, Ist Floor
Uma Garden, Chikkadapally
Hyderabad-500020

CCD Mumbai
KANDIVALLI
MUMBAI

- 1. Refer to HQ AOC Centre Move order No 60128/Posting/Civ of 14 Oct 96.
2. You are requested to confirm receipt of this Centre letter No 51502/Bonus/PF/Cash of 30 Nov 96 and action taken.

mani/*

TC
WHS