

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 1243/96.

Dt. of Decision : 06-11-96.

Nagarjuna

.. Applicant.

IVs

2. The Director General,
Crg. 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, Sec'bad-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 (ADMN.)

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

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John

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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} ~~is~~ willing to go to Mumbai. Such records should not ^{be} ~~depend~~ 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} 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.

प्राप्तिकर्ता
CERTIFIED TO BE TRUE COPY

Rashid Ali

संसदीय अधिकारी
COURT CLERK
संसदीय अधिकारी
General Secretary
कानूनी विभाग
HYDERABAD BENCH

TC
Wly

From : Labourer (Ex Bootmaker)
HAGAPPA
H. No. 1583, Rizala Bazar
Belarum Post
Secunderabad - 500010

10/6

To

The Commandant
ACC Centre
Secunderabad - 500015

Sub : PERMANENT POSTING TO COD MUMBAI : REGARDING

Respected Sir,

I earnestly submit that I am at present posted as a labourer in BSM Office of ACC Centre, Secunderabad. My original grade was BOOTHMEN in 1 BSM Centre Secunderabad, from where I have been posted under surplus/deficiency scheme. Now, I am directed to proceed on permanent posting to COD Mumbai as per your movement order dated 14th October 1996. The Letter of Army Headquarters dated 23rd August, 1996 referred to in the movement order has not been furnished to me. The movement order is silent about the reasons of my transfer to COD Mumbai. In this connection, I submit my representation as follows as per the orders of OAF Hyderabad dated 06 Nov 1996 in OA No 1243 of 1996 filed by me against the said movement order.

At the outset I respectfully submit that presently I am a Group 'D' employee in the organisation with meagre pay and allowances. I belong to Scheduled Caste community with utmost social and economic backwardness. I have 4(four) daughters out of whom two are married and two are unmarried. My wife is a heart patient and also suffering from Cervical Cancer for the last more than 2(Two) years. She needs regular check-up and keen care by her Doctor. There is no other earning member in the family and all the members are dependent on my earnings only. One of my daughter Mrs. N. Sujatha is studying in 10th Cls in Sathya Mandir High School, Belarum Secunderabad-10. She is in the midst of her academic year and preparing vigorously for her Public Examination to be held during Mar/April 1997. Any sort of disturbance or mislocation would adversely affect her educational career and her future. With meagre income out of my salary, I cannot maintain separate family at Secunderabad if I am forced to proceed to COD Mumbai on permanent posting. In this connection, I am enclosing herewith the Namefile certificate in proof of her study in Sathya Mandir High School, Secunderabad - 10. That apparent as has already been submitted by me above, my wife is a heart patient and is receiving continuously treatment for Hyper tension and Cervical Cancer from the H.N.J. Cancer Hospital, prescription issued by the Hospital on 04 Nov 96 is also enclosed herewith. Any break in her treatment would result in grave danger to her life itself. It may please be noted that as per the instructions of the Government of India, the Group 'D' employees are not to be subjected to transfer to a distant place normally. This is because of their socio-economic weaker background. My junior, Shri Rajendra is retained here while I am transferred to a far off place for the reasons best known to the Administration. This amounts to harassment to an SC/ST official forbidden by Government of India in its instructions contained in the Brochure on reservations and concessions.

In view of the personal difficulties explained by me above and also the circumstances mentioned above, I request that the movement order dated 14 Oct 96 issued to me directing me to proceed to COD Mumbai on permanent posting may be cancelled. Otherwise, it would cause great injustice and grave misery to my family and to myself. Hence, I pray that my case may be considered sympathetically for retention in Secunderabad only.

I may also submit that I have not given willingness to proceed to COD Mumbai on 14 Oct 96 as such claimed by the administration before the Hon'ble Tribunal.

Contd...P/2...

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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 ACC Centre Secunderabad my Basic pay was Rs. 1070/- pm i.e. during the year 1990. But till date even after the Judgement issued by C/T Hyderabad in CA No. 46/93, my pay scale and further increments in the scale of pay of Rs. 950-22-1150-2500 30-1500 has still not so far been claimed and paid to me.

In view of the above, I with folded hands request y our kindself 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 y ou Sir.

Thanking you,

Yours' faithfully,

Dated : 14 Nov 96

Amount : As stated

Copy to :-

DG EME (EME CIV-3)
Army Headquarters
DEHQ PO, 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.

CCD
Kundal

- for info pl.

Tc
Wtr

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) dt 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 personals 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 handing 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.

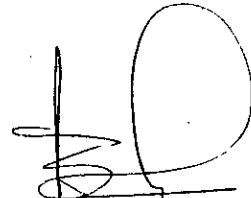
Tc
Wb

Rec. midw. takes to keep her the original copy.
on Mon Oct 14. 1986 Amb. ^{Pg 13} Long Avenue Newy.

WD
2/11/88

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 Bhimanna
Sr C G S/C
Central Administrative Tribunal
Hyderabad

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

CCD Mumbai
KANDIVLI
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/PE/Cash of 30 Nov 96 and action taken.

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TC
WHR