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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.105/97.

Date of decision: 25th November, 1997.

Between:

B.Solomon. .. Applicant.

And

1. Union of India represented by the Secretary, Department of Science & Technology, Technology Bhavan, New Mehrauli Road, New Delhi 110 016.
2. The Surveyor General of India, Dehraun -248001.
3. The Addl. Surveyor General, Southern Zone, Sarjapur Road, Koramangala II Block, Bangalore 560 034.
4. The Director, South South Eastern Circle, Survey of India, Uppal, Hyderabad 500039.
5. The Superintending Surveyor, Incharge No.43 Party (SSEC) (PMP) Uppal, Hyderabad.
6. Sri R.K.Jayavelu, Director, South South Eastern Circle, Survey of India, Uppal, Hyderabad-500 039.
7. Superintending Surveyor I/C 51 Party (SSC), Uppal, Hyderabad -39. Respondents.

Counsel for the applicant: Mrs. S. Thripura Sundari

Counsel for the respondents: Sri N.R.Devaraj.

CO-RAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri R. Rangarajan, Member (A))

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Heard Sri Venkatachari for Mrs. S.Thripura Sundari

 for the applicant and Sri N.R.Devaraj, standing counsel for

the respondents.

The applicant is a Topo Trainee Type B Grade IV on 6.7.83
O.A.

As on the date of filing he is in Grade II since 1.1.1991.

He has been allotted Quarter No. Type II/67 Survey Colony,

Uppal, Hyderabad. By the Order No.494/17-Y-31 dated 9-4-1996

he was moved from 51 Party to 43 Party (SSEC) (Annexure A-~~II~~-

Page 15 of the O.A.)

His Movement Order has been challenged by the applicant in this O.A., on the ground that the said Movement Order was issued maliciously at the ~~instance~~ of Respondent No.6. He further submits that he has filed a complaint in CC.No.1192/95 on the file of the Additional Judicial First Class Magistrate (E & N), Rangareddy District against Respondent No.6 and others.

The learned counsel for the respondents submits that the applicant having obeyed the Movement order he cannot challenge that order in this O.A. The learned counsel further submits that the question of bias against the applicant by the Director (Respondent No.6) does not arise. The counsel for the respondents submits that the applicant had harassed the Director by filing a Criminal case against him. He also submits that Respondent No.6 being a non-telugu Officer is not aware of any of the activities of the applicant and hence the question of bias does not arise.

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The learned counsel for the respondents submits that the applicant had ~~carried out his joined~~ moved to 43 Party (SSEC) by the orders dated 9-4-1996 and he had functioned there for six months. When he was posted to go to Survey Party, the applicant did not want to carry out that order. Hence he filed this O.A. He was absent unauthorisedly for six months for which separate action is being taken.

In view of the submissions of the learned counsel for the respondents, the O.A., is not maintainable as the applicant obeyed the orders of transfer.

From the submissions^{made} by the counsel for respondent, we are of the opinion that it is not necessary for us, at this juncture, to consider the various contentions raised by the applicant in regard to bias ^{towards} ~~against~~ him by the Respondent No.6. We leave this open for adjudication if necessary at the appropriate stage. At this stage, we do not consider it necessary to consider these contentions.

From the O.A., it appears that the applicant is not happy to continue in Survey Party No.43 under Respondent No.6. Hence he requests for a transfer to outside that party where he will not be under the control of Respondent No.6.

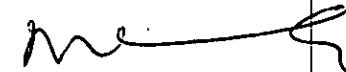
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It is for the Respondent No.3 being superior Officer to the Respondent No.6 to decide the issue if the applicant submits a representation for transfer from the Survey Party No.43. In order to make his case clear, the applicant should submit a detailed representation including the contentions, if any, raised in this O.A., if he so ^{desires}, to Respondent No.3 within a period of 45 days from the date of receipt of a copy of this Order. If such a representation is received within that stipulated time, then the Respondent No.3 should dispose of the representation expeditiously taking into consideration all the grievances mentioned by the applicant in the representation according to law, ^{and} in any case within three months from the date of receipt of a copy of this judgment.

With the above directions, the O.A., is disposed of. No costs.


B.S. JAI PARAMESHWAR,
MEMBER (J)
25.11.97


R. RANGARAJAN,
MEMBER (A)

Date: 25--11--1997.

Dictated in open Court.


D.R.

sss.