

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

OA / TA / RA / CP / MA / PT ..... 12/14 ..... of 1997

..... Ch. Sankaran ..... Applicant(s)

Versus

..... The Director General of Prisons ..... Respondent(s)  
C.P.O. D, New Delhi & Anr.

INDEX SHEET

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Certified that the file is complete  
in all respects.

SPP  
18/9/97  
Signature of  
Dealing Hand  
(In Record Section)

Signature of S.O.

Part. III and II  
Dated 16/3/01  
P. Singh

①

Centre: 1 Administrative Tribunal Hyderabad Bench; Hyderabad.

C.A. No. 1214 of 1997.

G. Sankaran

Applicant(s).

VERSUS.

The Director - General of works, (C.W.D), New

Delhi & anoth

(Respondents).

Date

Office Note.

ORDER

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD. BENCH : HYDE

ORIGINAL APPLICATION NO. 1214 OF 1997.

G. Sankarany

(Applicants(s)

VERSUS.

Union of India, Repd. by.

Director General of W.R.s.

Central P.W.D., Minnary Shaway, New Delhi

Respondent(s).

The application has been submitted to the Tribunal by  
Shri PS M.S. Gokhale Advocate/~~party-in~~  
person Under Section 19 of the Administrative Tribunal  
Act. 1985 and the same has been scrutinised with reference  
to the points mentioned in the check list in the light of  
the provisions in the administrative Tribunal (procedure)  
Rules 1987.

The application is in order and may be listed for  
Admission on 12.9.97

12/9/97  
Scrutiny Asst.

Amal  
DEPUTY REGISTRAR(JUDL)

11. Have legible copies of the annexure duly attested been filed. *yy*
12. Has the applicant exhausted all available remedies. *yy*
13. Has the Index of documents been filed and pagination done properly. *yy*
14. Has the declaration as required by item No. 7 of form. I been made. *yy*
15. Have required number of envelopes (file size) bearing full addresses of the respondents been filed. *yy*
16. (a) Whether the relief sought for, arise out of single cause of action. *yy*  
(b) Whether any interim relief is prayed for. *yy*
17. (c) In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant. *yy*
18. Whether this cause be heard by single Bench. *yy*
19. Any other points.
20. Result of the Scrutiny with initial of the scrutiny clerk.

*Q 12/9/97*  
Scrutiny Assistant.

*may be numbered*

Section Officer.

Deputy Registrar.

Registrar.

.....

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Sl. No. 2880/97

Report in the Scrutiny of Application.

Presented by SH. P.B. W. Jagalamer <sup>Adv</sup> Date of Presentation.

Applicant(s) G. Sambaram

9.9.97

Respondent(s) Director General of W&A, CPWD, Airman Bhawan  
New Delhi & Co.

Nature of grievance Transfer

No. of Applicants 1 No. of Respondents 2

CLASSIFICATION.

Subject Transfer (4) No Department M/O Urban Development (No 38)  
(3)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). Y
2. Whether name description and address of all the parties been furnished in the cause title. Y
3. (a) Has the application been fully signed and verified. Y  
(b) Has the copies been duly signed. Y  
(c) Have sufficient number of copies of the application been filed. Y
4. Whether all the necessary parties are impleaded. Y
5. Whether English translation of documents in a language other than English or Hindi been filed. Y
6. Is the application on time, (See Section 21). Y
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. Y
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) Y
9. Is the application accompanied IPS/DD, for Rs.50/- Y
10. Has the impugned order's original, duly attested legible copy been filed. Y

No information

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

I N D E X

O.A. NO. 1214 of 1997.

CAUSE TITLE G. Sankaran

V E R S U S

The Director - General of Works, CPWD, N. Delhi &

another

SL. NO.	Description of Documents	Page No.
1.	Original Application	1 to 9
2.	Material Papers	10 to 25
3.	Vakalat	1
4.	Objection Sheet	—
5.	Spare Copies 2(Two)	
6.	Covers 2 A	

seeking a direction to ~~post~~ consider the case of the applicant for  
posting on transfer to Chennai, etc. (2)

Single

IN THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL  
AT HYDERABAD

OA 1214 OF 97

Transfer (5)

Between:-

G.SANKARAN, s/o K.Gopal, aged 50 years, Senior Stenographer  
Office of the Chief Engineer, Southern Zone II CPWD  
6th floor Posnett Bhavan, Tilak Road Hyderabad 500 001

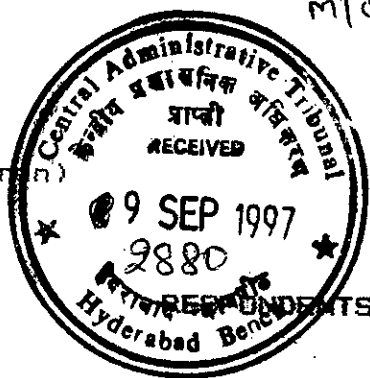
प्रमाण/GENERAL

Applicant

And:-

M/O Urban Development  
(38/)

1. Director General of Works  
Central P.W.D. Nirman Bhavan  
New Delhi 110 011
2. The Superintending Engineer (Cooper)  
Southern Zone, Central P.W.D.  
"Rajaji Bhavan", GPDA Complex  
III Avenue, Besant Nagar  
CHENNAI 600 090



Chronology of Events:

S.NO:	Date	Description	Page ND:
1.	29.06.64	Applicant joined CPWD	1
2.	12/66 to to 31.7.69	Applicant worked as Steno-Typist	1
3	01.08.69 to 02.06.94	Applicant continued to work as Stenographer	2
4.	03.06.94	Applicant joined at Hyderabad as Senior Stenographer	2
5.	5/94	Applicant was promoted as Senior Stenographer	2
6.	30.09.96	Sr. Stenographer's post fell vacant at Chennai	2
7.	29.08.96	Applicant represented for transfer to Madras to the 2nd Respondent	2
8.	Sept. 97	Person who is going to retire by 30th Sept.97 has been promoted	4
9.	07.08.97	Applicant represented to 2nd Res- pondent for transfer to Madras	4
10.	01.09.97	Chief Engineer followed the matter with Respondent No.1	6

Hyderabad,  
Dt.08.09.97

Recd & Copy  
19/9/97

R.N.R. Denny

Counsel for the Applicant.

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APPENDIX-A  
FORM-I  
SEE RULE -IV  
OF ADMINISTRATIVE TRIBUNAL (P) RULES

TITLE OF THE CASE...D.A.NO:.....

INDEX OF THE MATERIAL PAPERS FILED:

S.NO: DATE	DESCRIPTION	ANNEXURE	PAGE NO:
1. -	Application		1 to 9
2. 15.4.94	Promotion and posting order of applicant	AI	10
3. 29.8.1996	Representation of applicant for transfer to Respondent No.2	AII	11 to 12
4. 7.8.1997	Representation of applicant for transfer to Respondent No.2	AIII	13 to 14
5. 8.8.97	Chief Engineer (SZII) CPWD Hyderabad forwards the representation to Respondent No.2 and Respondent No.1	AIV	15 to 16
6. 1.9.1997	Chief Engineer (SZII) pursues the matter with Respondent No.1	AV	17 to 18
7. 18.9.1996	Representation of applicant to Respondent No.1	AVI	19 to 22
8. 20.5.1996	Circular of Min. of Urban Affairs & Employment	AVII	23
9. 4.7.1995	Transfer order of Shri N.Balakrishnan Sr Stenographer from Vizag to Madurai	AVIII	24
10. 22.1.97	Transfer order of Shri N.Balakrishnan Sr Stenographer from Madurai to Hyderabad	AIX	25

*Per*  
Counsel for the Applicant

*h. S. a. r. G. m.*  
Signature of the Applicant.

For use in the Tribunal office;

Date of Filing :

NO of DA : .

Registrar.



(4)

APPLICATION UNDER SEC.19 OF THE ADMINISTRATIVE TRIBUNAL ACT. 85  
IN THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: AT HYDERABAD

OA NO: 1214 OF 97

Between:-

G.SANKARAN, s/o K.Gopal, aged 50 years, Senior Stenographer  
Office of the Chief Engineer, Southern Zone II CPWD  
6th floor Posnett Bhavan, Tilak Road Hyderabad 500 001

Applicant

Through P.B.Vijay Kumar, Advocate, A-9, Vijaypratap  
Apartments, Atchutareddy Street, Vidyanagar, Hyd. 44

And:-

1. Director General of Works  
Central P.W.D. Nirman Bhavan  
New Delhi 110 011
2. The Superintending Engineer (Coordn)  
Southern Zone, Central P.W.D.  
"Rajaji Bhavan", GPOA Complex  
III Avenue, Besant Nagar  
CHENNAI 600 090

RESPONDENTS

DETAILS OF THE APPLICATION:

1. PARTICULARS OF THE IMPUGNED ORDER:-

The applicant herein assails the inaction on the part of the respondents in considering his case for his posting against the vacancy of Sr. Steno Grapher at Chennai.

2. JURISDICTION OF THE TRIBUNAL:-

This Bench of this Central Administrative Tribunal alone has got jurisdiction under Section 14 of the Administrative Tribunal Act. 1985

3. LIMITATION:-

This application is well within the period of limitation prescribed under Section. 21 of the Administrative Tribunal Act 1985, in view of the relief claimed.

4. FACTS OF THE CASE:-

a) The applicant submits that he joined Central Public Works Department on 29.6.1964 and he has worked as Steno-typist from 12/66 to 31.7.1969. From 1.8.1969, since the posts of Steno-typists were converted as Stenographers, he continued to work as

*G. Sankaran*

(5)

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Stenographer till 2.6.1994. From 3.6.1994 onwards, he is working as a Senior Stenographer. He has worked in the following places during the above period.

Coimbatore	6/1964 to 12/1966
Madras	12/1966 to 4/1980
MRM Project Nepal	4/1980 to 8/1984
Hyderabad	8/84 to 8/1986
Pondicherry	8/86 to 12/87
Madras	12/87 to 5/94
Hyderabad	6/94 to till date

b) Thus, it may be seen that the applicant is working in Hyderabad for the second term. The applicant submits that he was promoted as Senior Stenographer in 5/94 and due to the shifting of Southern Zone II from Madras to Hyderabad, he was posted to Hyderabad and he joined at Hyderabad on 3.6.1994. Ever since he joined here, he is working as Personal Secretary to the Chief Engineer.

c) When a post of Senior Stenographer became vacant at Chennai on 30th September 1996 due to retirement of the then incumbent Shri T.K. Ramachandran, the applicant represented to the 2nd Respondent herein for transferring him against the clear vacancy vide his representation dated 29.8.1996 which was duly recommended and forwarded to the 2nd Respondent by the Chief Engineer, Southern Zone II, CPWD, Hyderabad. His request was on compassionate grounds and on the ground of illhealth of his wife and himself.

d) The applicant learnt that the 2nd Respondent had turned down his request for transfer on the following grounds, however, the decision remain uncommunicated.

- i) That the applicant has yet to complete his normal tenure at Hyderabad;
- ii) That the applicant's seniors are waiting for their promotion at Madras and

*H. Sarangan*

iii) that the Coordination of Southern Zone has been following the policy that officials who go out on promotion should not be brought back to Madras till they complete their normal tenure in the outstation. He further stated that it was difficult to make an exception to this policy since it would create unnecessary problems to the Department.

d) The applicant represented to the 1st Respondent bringing the following points to his notice.

(i) The applicant stated that so far no tenure has been fixed for Senior Stenographers. He stated that when there is no tenure fixed for Senior Stenographers, question of completing his tenure at Hyderabad did not arise. He also mentioned that even in Western Zone (Region "C" - Bombay Region), no tenure is followed for transfer of Senior Stenographers because of the fact that the posts of Senior Stenographers are very limited (Say 1 or 2) at popular stations and imposition of tenure rules is impracticable.

ii) Regarding the contention of the 2nd Respondent that the applicant's seniors are waiting for their promotion at Madras, the applicant stated that whenever there was offer of promotion outside Madras, his seniors have been voluntarily foregoing such promotions in order to avoid transfer. The applicant also cited a case wherein one of his seniors was dragging his feet when he was transferred from one office to another office in Madras itself consequent on creation of Southern Zone II at Madras in 1987 and he was compulsorily relieved to join the newly created zone at Madras. Thus it may be seen that the applicant was not instrumental for his seniors foregoing promotion and they voluntarily foregone their promotion just escape from transfer and shifting from Madras. Hence the applicant submitted that the contention of the 2nd Respondent has to be understood in its real perception.

iii) The applicant also brought to the kind notice of 1st Respondent that by his opting for promotion outside Madras, the applicant has been victimised and a person who has been avoiding transfer on promotion and continued at Madras for decades together has been given the benefit of promotion at Madras itself with due honours.

iv) The applicant also brought to the notice of 1st Respondent the procedure being followed by Ministry of Urban Affairs & Employment in the case of transfer of CSC Staff wherein a ratio 1:1 is being followed. That is, the first vacancy is filled up by promotion and the second vacancy is being filled up by transferrring the person who has gone on promotion out of a particular popular station. He also pointed out that since no clear cut guidelines are being followed by the 2nd Respondent and even if there is any such guidelines, it has not been made public, whenever any Superintending Engineer assumes <sup>charge</sup>, he implements what he likes.

*L. C. Narayan*

v) Regarding the statement of the 2nd Respondent that the Coordination of Southern Zone has been following the policy that officials who go out on promotion should not be brought back to Madras till they complete their normal tenure in the outstation, the applicant submitted that since there is no tenure for Senior Stenographers, the question of following the said policy and completing normal tenure in the outstation doesnot arise. In fact, the applicant submitted that if his request had been acceded, it was only within the normal procedure as is being followed even in Western Zone and it would not have created any unnecessary problems to the Department.

e) The applicant submitted that he represented for a transfer against a clear vacancy caused due to superannuation. His request was on compassionate grounds and on the ground of illhealth of his wife and himself. His genuine grounds have not been considered favourably. None of his seniors working outside Madras have represented for transfer to Madras. He submitted that had he been informed at the time of offer of promotion that he will not get a transfer back to Madras even against clear vacancy, he would also have remained there like others waiting in turn for his promotion cursing his fate. This was not made clear to him. The promotion which came to the applicant after 30 years of service, has resulted in loss in several aspects instead of gain. With this present state of affairs, there is no guarantee that the applicant would get a transfer to Madras even after a reasonable period of enforced tenure in the present place viz. Hyderabad. He is being compelled to stay here indefinitely virtually breaking up his family life. He is becoming desperate. However, the applicant was not informed by the 1st Respondent about the result of his representation.

f) Now, again in September 1997 the person promoted in September 1996 (Shri D. Ethirajulu) is likely to retire on 30th September 1997. The applicant made a representation on 7.8.1997 to the 2nd Respondent who is the Chairman, Hard Case Committee mentioning the following grounds:

*h Cankaran*

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i) The applicant's wife is a chronic asthma patient and she suffers very frequently due to changing weather conditions of Hyderabad.

ii) The applicant is diabetic and due to ageing of diabetic, he has developed some problems which systematically deteriorates his health.

iii) The applicant's first daughter is of 23 years of age and her marriage has to be performed. His presence at Madras will enable him to seek early alliance as he will have the counselling of his elders.

iv) The applicant's second daughter is studying in the third year of Engineering College at Coimbatore.

g) The representation of the applicant was duly forwarded by the Chief Engineer, Southern Zone II CPWD Hyderabad with due recommendations. The Chief Engineer, Southern Zone II while forwarding the representation made the following observations.

i) The Chief Engineer observed that no tenure has been fixed for Senior Stenographers and as such there is no question of applicant completing his normal tenure. In any case, the Chief Engineer said that since the applicant has completed more than 3 years and since a clear vacancy is likely to arise, his request for posting at Madras may be considered.

ii) The Chief Engineer also observed that when this Zone was shifted from Madras to Hyderabad, all his seniors were not willing to be shifted to Hyderabad. He added that if such persons who opt<sup>to</sup> go out of Madras are not transferred back to Madras or to a station of their choice as early as possible, it would be extremely difficult to get staff for posting in less popular stations.

*H. Sankar*

(9)

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iii) The Chief Engineer also pointed out the policy decision of Ministry of Urban Affairs & Employment conveyed vide circular No.A 22015/6/95-Admn IV dated 20th May 1996 relating to posting of CSC Staff in somewhat on similar considerations. According to this circular, vacancy arising at popular stations would be filled up on 1:1 ratio from the staff who are to be promoted locally and staff who want to get transferred to popular stations from unpopular stations. He also recommended that on this analogy, since the vacancy which arose in 1996 at Madras was allotted to local person on promotion, the present vacancy which is likely to arise now should be utilised to accommodate the applicant.

h) The Chief Engineer endorsed a copy of this letter to the office of the 1st Respondent to issue suitable instructions to 2nd Respondent to transfer the applicant to Madras in the vacancy likely to arise in September 1997. Incidentally he has brought to the notice of 1st Respondent that last year also the applicant's request has been rejected and that since the applicant has completed more than 3 years stay, he should be transferred.

i) The Chief Engineer also followed the matter with Respondent No.1 by his letter dated 1.9.1997. He has written to the 1st Respondent stating that -

i) There is no normal tenure for Stenographers. As such question of completing normal tenure by the applicant does not arise. He brought to the notice of 1st Respondent that unfortunately, for reasons not known, the 1st Respondent's office did not consider the representation of the applicant favourably in 1996.

*h. Sankar*

ii) Now that the applicant has completed more than 3 years at Hyderabad, there is no reason why his request for posting to Madras is not considered favourably;

iii) The Chief Engineer has also remarked that if representations from staff members like the applicant are not considered favourably, it will be extremely difficult for the department to get people willing to work in unpopular stations and it will be extremely inconvenient for the offices outside popular stations to function satisfactorily.

iv) The Chief Engineer also apprehended that unless Respondent No.1 intervenes, justice may not be done to the Applicant and requested the Respondent No.1 to look into the matter personally and issue necessary instructions to the 2nd Respondent before any orders are issued by 2nd Respondent.

The case is still under process with 1st Respondent. There is no reply to the Applicant from the 2nd Respondent also. Vacancy is likely to arise on 30th September 1997 due to retirement of Shri D. Ethirajulu, Senior Stenographer in the office of the Superintending Engineer, Chennai Central Circle No.1 and the 2nd Respondent is likely to fill up the post even before the 1st Respondent takes and communicates his decision in which case there is no possibility of any vacancy arising in the near future i.e. till March, 2002.

#### 5. LEGAL PLEAS:-

1. The inaction on the Respondents in not considering his case for his posting at Chennai is contrary to law, guidelines and also the manual provisions of CPWD.

2. The reasons putforth by the Applicant with regard to his and his wife's ailment, responsibilities towards his family justify his posting at Madras and the manner in which his representations are being dealt with is arbitrary, illegal.

*H. Sankar*

3. In the light of the instructions of Government with regard to 1:1 posting, CPWD manual provisions and also the circumstances spelt out by the applicant, his case deserves special and sympathetic consideration by Respondent No.1.

4. Further, in case of Shri N. Balakrishnan, another Senior Stenographer, the Department never insisted the so-called tenure. He was posted to Madurai from Vizag in 7/95 and at his request he was posted to Hyderabad in January 1997. Only in the case of applicant, the Department is raising all the grounds which is discriminating and arbitrary.

**6.DETAILS OF THE REMEDIES EXHAUSTED:-**

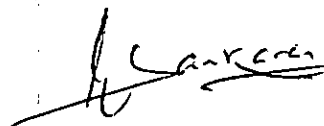
The applicant submitted his representation to the Respondents 1 and 2 on 7.8.1997 and it is still pending. Thus the applicant is left with no other alternate except to approach this Hon'ble Tribunal.

**7.MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:-**

The applicant further submits that he has not previously filed any WP, OA or suit regarding the same relief or substantially the same relief that is sought for in this OA.

**8.MAIN RELIEF:-**

It is therefore just and necessary that this honourable Tribunal may be pleased to direct the Respondents to consider his posting on transfer as Senior Stenographer against the resultant vacancy on superannuation of Shri D. Ethirajulu, in the office of the Superintending Engineer, Chennai Central Circle I, CPWD, Chennai and pass such other relief or reliefs as this honourable Tribunal may deem fit just and necessary in the circumstances of the case.





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**9. INTERIM RELIEF:-**

Pending disposal of the main DA it is also just and necessary that this honourable Tribunal may be pleased to direct the 2nd Respondent not to fill up the resultant vacancy on superannuation of Shri D. Ethirajulu, in the office of the Superintending Engineer, Chennai Central Circle I, CPWD, Chennai and pass such other relief or reliefs as this honourable Tribunal may deem fit just and proper in the circumstances of the case.

**10. Not applicable.****11. PARTICULARS OF THE POSTAL ORDER:-**

NO:- 812 22496

DATE:- 4/4/97

AMOUNT:- 50/-

NAME OF THE POST OFFICE:- Post Office**12. LIST OF ENCLOSURES:-**

Vakalat, Material Papers, Postal order, Covers, pad etc.

**U.S. B.C. / D.D. / Removes****VERIFICATION**

I, G. Sankaran son of Shri K. Gopal do hereby verify that the contents of the above paras are true and correct to the best of my knowledge and legal advise and I have not suppressed any material facts.

Hyderabad,  
Dt. 08.09.1997

G. Sankaran  
Signature of the Applicant

P. R.  
Counsel for the Applicant.

AI

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Government of India  
Central Public Works Department

No.21/4/94/Coord/SZ/ *MB*

Dt. 16/05/1994.

OFFICE ORDER NO. 100 /1994.

issued vide even No.776 dated 25.4.1994, and as per acceptance of promotion and posting communicated by the concerned Stenographer (OG) the following transfer and posting on his promotion as Stenographer (Senior grade) are ordered with immediate effect in the interest of public service.

Sl. No.	Name	From	To	Remarks.
	Shri/			
1.	G. Sankaran	SSW(SZ)I Madras	SSW(SZ)II Hyderabad	Diverted post.

The other conditions specified under Note No.3, 4 and 5 in the said order dated 25.4.1994 shall remain unaltered.

The Superintending Surveyor of Works(SZ-I) is requested to relieve the Stenographer (OG) forthwith, subject to the condition that no Vigilance/Disciplinary case is pending/contemplated against him.

Sd/-

Superintending Engineer(Coord)  
SZ|CPWD|EGMORE|MADRAS|600 008.

Copy to:-

1. Official
2. The Suptdg. Surveyor of Works(SZ)I/CPWD/Madras-8
3. The Suptdg. Surveyor of Works(SZ)II/CPWD/Hyderabad-195
4. The Suptdg. Chief Engineer(SZ)I/CPWD/Madras-8
5. The Chief Engineer(South Zone-II)/CPWD/Hyderabad.
6. Stock file.

E.A. to Suptdg. Engineer(Coord)

s/h

*Pu.*

*Dr. G. Sankaran  
Thro' SWE  
No. 17*

A II

Hyderabad  
29.8.1996

11

From

G. SANKARAN  
Senior Stenographer  
Office of the Chief Engineer  
Central P W D  
6th floor Posnett Bhavan  
Tilak Road  
HYDERABAD 500 001

To

The Chairman  
Hard Case Committee for  
Ministerial Staff  
Office of the Suptg Engineer (Coordn)  
Southern Zone  
Central P W D  
GPOA complex  
Rajaji Bhavan  
III Avenue Besant Nagar  
Madras 600 090

THROUGH PROPER CHANNEL

Sir,

Sub: Request for transfer to Madras

I joined as Senior Stenographer at Hyderabad on 3.6.1994 and since then I am working as P.S. to Chief Engineer, Southern Zone II. Thus I have completed two years of stay at Hyderabad.

My wife, a known asthma patient is suffering very badly due to changing weather conditions of Hyderabad. Added to this, she has developed some problem in her right hand and is not able to perform any domestic work without somebody's help. In the absence of elders at Hyderabad, we find it extremely difficult to manage the day to day affairs. On my part, I have to perform domestic work, attend on my ailing wife and discharge my duties in office without any let up. Thus my predicament can be well understood.

Since I am also diabetic, under the present circumstances, I am not able to follow any diet regulation and thus my health also deteriorates slowly.

My first daughter is employed at Bangalore. She is of marriageable age and I am seeking alliance for her.

My second daughter is studying in Second Year of Engineering college at Coimbatore. Recently she was attacked with chicken pox and I could not rush immediately as I got the information belatedly and due to the distance involved between Hyderabad and Coimbatore, I could not reach in time which created lot of mental agony.

Since I am having grown up daughters away from me and I have to attend on my ailing wife also, it will be of much help if I get a transfer to Madras where my in-laws are available and I can take their guidance for all purposes.

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I understand that a post of Senior Stenographer is likely to fall vacant in the office of the Superintending Engineer, Madras Central Circle in the month of September 1996 due to the retirement of present incumbent Shri T.K. Ramachandran. I request that I may kindly be transferred to Madras which act of kindness will enable me to tide over my difficulties and get relief from mental agony.

I shall be grateful for an early favourable orders.

Yours faithfully,

*[Signature]*  
(S. SANKARAN)  
Senior Stenographer

*[Signature]*

A III

To

The Chairman  
Hard Case Committee for  
Ministerial Staff  
Office of the Superintending Engineer (Coordn)  
Southern Zone Central P.W.D.  
GPOA Complex Rajaji Bhavan  
III Avenue Besant Nagar  
CHENNAI 600 090

Through Proper Channel

Sir,

Sub: Request for transfer to Madras

I understand that a post of Senior Stenographer is likely to fall vacant in the month of September 1997 due to superannuation of Shri D. Ethirajulu working in the office of the Superintending Engineer, Madras Central Circle I, CPWD, Madras.

I joined as Senior Stenographer at Hyderabad on 3.6.1994 and since then I am working as P.S. to the Engineer, Southern Zone II. I have completed 3 years of stay at Hyderabad. I request that I may kindly be considered for transfer to Madras in view of the following grounds:

1. My wife, a known chronic asthma patient suffers very frequently due to changing weather conditions of Hyderabad. Last year, she was suffering from severe pain in the right hand. Though the pain has subsided substantially, now it has travelled down to the right leg and consequently her movement is crippled. In the absence of elders at Hyderabad, we find it extremely difficult to manage the day to day affairs.

2. I am also diabetic and due to ageing of diabetic, I have developed some problems which systematically deteriorate my health.

3. My first daughter is 23 years of age. I have to perform her marriage. Since all elders of my family are available in Madras and Trichy, I am unable to go ahead in this regard and this causes me lot of mental agony. My presence at Madras will enable me to seek an early alliance as I will have the counselling of my elders.

(14) (17)

4. My second daughter is studying in the third year of Engineering College at Coimbatore.

5. My elder brother died and my sister-in-law also expired in July, 1994 (after my joining at Hyderabad) leaving behind their only daughter. Since my eldest brother has retired from service and is having only part vision, I continue to take care of her. The difficulties that I have to undergo to look after the welfare of this parentless girl can be well imagined.

Since I am at Hyderabad, I am not able to perform my legitimate duties to my family members and fulfil my commitment to them. If I am transferred to Madras, atleast my mental agony will reduce to a great extent which will atleast improve my health.

I therefore request that my case may kindly be considered sympathetically and I may be transferred to Madras.

Thanking you,

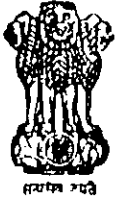
Hyderabad  
7.8.1997

Yours faithfully,

*(Signature)*  
(C. SANKARAN)

Senior Stenographer  
O/O the Chief Engineer  
SZII CPWD Hyderabad.1

R.



**P. RAVINDRANATHAN**

मुख्य इंजीनियर  
CHIEF ENGINEER

Phone/Fax 040-591077

अ.म.प. संख्या/D.O No 39/11/96-म.प.  
केन्द्रीय लोक निर्माण विभाग  
CENTRAL PUBLIC WORKS DEPARTMENT  
पोस्नेट भवन, तिलक रोड  
POSNETT BHAVAN, TILAK ROAD  
हैदराबाद - ५०० ००४  
HYDERABAD - 500 001 The **8.8.1997**

Dear

I am enclosing herewith a representation from Shri G. Sankaran, Senior Stenographer requesting for his transfer to Madras in a vacancy which is likely to arise in the month of September 1997. The representation is self-explanatory.

Shri Sankaran had represented for his transfer to Madras last year also and his representation was forwarded by this office. However, his representation was rejected by you on the ground that he was yet to complete his normal tenure in Hyderabad. In this connection please refer to your letter No.9(2)(2/96/Coord/SZ/76(C) dated 6.9.1996.

Shri Sankaran has now completed more than three years at Hyderabad. As you are very well aware, no tenure has been fixed for Stenographers and as such, there is no question of his completing normal tenure. In any case, since he has completed more than 3 years and since a clear vacancy is likely to arise, his request for posting at Madras may be considered.

In this connection I would like to state that Shri Sankaran had opted to be posted at Hyderabad when this Zone was shifted from Madras to Hyderabad when all his seniors were not willing to be shifted to Hyderabad. If such persons who opt to go out of Madras are not transferred back to Madras or to a station of their choice as early as possible, it would be extremely difficult to get staff for posting in less popular stations.

In this connection it may also be relevant to point out that the Ministry of Urban Affairs & Employment has already taken a policy decision in the case of posting of CSC Staff in some what on similar considerations vide their letter No.A 22015/6/95-Admn IV dated 20th May 1996 according to which vacancy arising at popular stations would be filled up on a 50:50 basis from the staff who are to be promoted locally and staff who want to get transferred to popular stations from unpopular stations. On this analogy also, since the vacancy which arose in 1996 at Madras was allotted to a local person on promotion, the vacancy which is likely to arise now should be utilised to accommodate Shri Sankaran.

16

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On similar consideration, it should be difficult for you to accommodate Shri Sankaran's wife also at Madras in one of the vacancies.

I hope you will consider the representation favourably.

Yours

*P/c*  
(P. RAVINDRANATHAN)

Shri J.M. Raj  
Superintending Engineer (Coordn)  
Southern Zone  
Central P W D  
Rajaji Bhavan  
III Avenue Besant Nagar  
CHENNAI 600 090

Not on original

Copy to Shri K. Srinivasan, Director of Administration, CPWD Nirman Bhavan New Delhi 110 011. This has reference to D.O. No. 28/5/96-ECIV(C) dated 4/7th Octr 1996 from Shri S. Pattayarak, the then Director of Administration. Shri G. Sankaran's representation last year was rejected on the ground that he had completed only two years at Hyderabad. Now that he has completed more than 3 years, necessary instructions may be issued to the Superintending Engineer (Coordn), Southern Zone, Chennai to transfer Shri G. Sankaran to Madras in the vacancy which is likely to arise in September 1997.

*P/c*  
(P. RAVINDRANATHAN)  
CHIEF ENGINEER

*R.*



17

A V

Phone/Fax : 040-591077

अ.स.प. संख्या/D.O.No. 39/11/96-Admn(SZ)I

केन्द्रीय लोक निर्माण विभाग

CENTRAL PUBLIC WORKS DEPARTMENT

पोस्टल भवन, तिलक रोड

POSNETT BUILDING, TILAK ROAD

हैदराबाद - 500 001

HYDERABAD - 500 001 1.9.1997



P. RAVINDRANATHAN

मुख्य इंजीनियर

CHIEF ENGINEER

Dear Shri Duggal,

A representation from Shri G. Sankaran, Senior Stenographer requesting for his transfer to Madras in a vacancy likely to arise on 30th September 1997 was sent to Shri J.M.Raj, Superintending Engineer (Coordn), Southern with my D.O. No.39/11/96-Admn(SZ)II dated 8.8.1997 for favourable consideration.

Shri G. Sankaran has been working in this office for the last more than 3 years. He had represented in 1996 for a transfer to Madras but his case was rejected by the Central office vide D.O. No.28/5/96-ECIV(C) dated 4/7th Octr 1996 from Shri S. Pattanayak, the then Director of Administration on the ground that Shri Sankaran had completed only two years at Hyderabad. The Superintending Engineer (Coordn) also had rejected the representation at that time on the ground that he was yet to complete his normal tenure.

There is no normal tenure for Stenographers. As such, question of completing normal tenure does not arise. Unfortunately for reasons not known, the Central Office also did not consider the representation favourably in 1996.

Now that Shri Sankaran has completed more than 3 years at Hyderabad, there is no reason why his request for posting at Madras is not considered favourably.

Copies of my D.O. letter dated 8.8.97 and the representation of Shri G. Sankaran are enclosed.

If representations from staff members like Sankaran are not considered favourably, it will be extremely difficult for the department to get people willing to work in unpopular stations and it will be extremely inconvenient for the officers outside popular stations to function satisfactorily.

.. 2 ..

I apprehend that unless Central Office intervenes justice may not be done to Shri G. Sankatan. I therefore request you to please look into the matter and issue necessary instructions to the Superintending Engineer (Coordn) Southern Zone, before any orders are issued by the Suptg Engineer (Coordn).

With regards,

Yours sincerely,

*P. Ravindranathan*

(P. RAVINDRANATHAN)

Shri B.S. Duggal  
Director General of Works  
Central P W D  
Nirman Bhavan  
New Delhi 110 011

*P.*

19

A VI

From

Hyderabad  
18.9.1996

G.Sankaran  
Senior Stenographer  
Office of the Chief Engineer  
Southern Zone II  
CPWD 6th floor  
Posnett Bhavan  
Tilak Road  
Hyderabad 500 001

To

The Director General of Works  
Central P W D  
Nirman Bhavan  
New Delhi 110 011

Through Proper Channel

Sir,

Sub: Request for transfer to Madras on  
compassionate grounds

I am a Senior Stenographer working as P.S. to  
Chief Engineer, Southern Zone II CPWD Hyderabad since  
3.6.1994.

I joined the Department on 29.6.1964 and I have  
worked as Stenographer in the following places:

Madras	12/66 to 4/80
MRM Project Nepal	4/80 to 8/84
Hyderabad	8/84 to 8/86
Pondicherry	8/86 to 12/87
Madras	12/87 to 5/94
Hyderabad	6/94 to till date

Thus, it may be seen that I am working in Hyderabad for  
the second term. I was promoted as Senior Stenographer  
in 5/94 (after 30 years of service in the department)  
and due to the shifting of Southern Zone II from Madras  
to Hyderabad, I was posted to Hyderabad and I joined at  
Hyderabad on 3.6.1994. Eversince I joined here, I am  
working as P.S. to Chief Engineer.

One post of Senior Stenographer is likely arise at Madras on 30th September 1996 due to the retirement of the present incumbent Shri T.K. Ramachandran. I represented to the Superintending Engineer (Coordn) for transferring me against the clear vacancy that is likely to come in September vide my representation dated 29.8.1996 which was duly recommended and forwarded to the Superintending Engineer (Coord) by the Chief Engineer, Southern Zone II CPWD Hyderabad. A copy of my representation is enclosed. I represented for transfer against a clear vacancy caused due to superannuation. My request is on compassionate grounds and on the ground of illhealth of my wife and myself.

The Suptg Engineer (Coordn) has turned down my request for transfer on the following grounds:

- i) That I have yet to complete my normal tenure at Hyderabad;
- ii) that my seniors are waiting for their promotion at Madras and
- iii) that the Coordination of Southern Zone has been following the policy that officials who go out on promotion should not be brought back to Madras till they complete their normal tenure in the outstation. It is difficult to make an exception to this policy since it would create unnecessary problems to the Department.

In this connection I am to bring to your kind notice that-

a) so far no tenure has been fixed for Senior Stenographers. When there is no tenure fixed for Senior Stenographers, the question of completing my tenure at Hyderabad does not arise. I also understand that even in Western Zone (Region C), there is no tenure in the case of transfer of Senior Stenographers particularly because of the fact that the posts of Senior Stenographers are very limited (say 1 or 2) at popular stations and imposition of tenure rules is impracticable. In view of this, they give preference for outstation candidates who seek transfer to Bombay and fill up the resultant vacancy in the outstation by promotion. Thus they give first preference to candidate who opt to come to Bombay. In my case also the same procedure should have followed by the Suptg Engineer (Coordn), Southern Zone.

b) Regarding the point that my seniors are waiting for their promotion at Madras, I have to state that whenever there was offer of promotion outside Madras, my

seniors have been voluntarily foregoing such promotions in order to avoid transfer. There is also a case on record that one of my seniors was dragging his feet when he was transferred from one office to another office in Madras itself consequent on creation of Southern Zone II at Madras in 1987 and he was compulsorily relieved to join the newly created Zone at Madras. Thus it may be seen that I was not instrumental for my seniors foregoing promotion and they voluntarily foregone their promotion just to escape from transfer. Thus the contention of SE (Coordn) that my seniors are waiting for promotion at Madras has to be understood in its real perception.

c) Also I may kindly be permitted to point out that by my opting for promotion outside Madras, I have been victimised and a person who has been avoiding transfer on promotion and continuing there for decades together is being given the benefit with due honours. In this connection I am to point out that even in the case of CSCS Services, in similar cases, a ratio of 1:1 is followed. That is, the first vacancy in any grade in popular station (like Madras, Bombay etc.) is being filled by calling for options from outstation candidates and the second vacancy is filled up by promotion. As far as this Coordination is concerned, no clear cut guidelines are being followed and even if there is any such guideline, it has not been made public with the result, whenever any SE assumes charge, he implements what he likes.

d) Regarding the statement of the SE (Coordn) that the Coordination of Southern Zone has been following the policy that officials who go out on promotion should not be brought back to Madras till they complete their normal tenure in the outstation, I have to state that since there is no tenure for Senior Stenographers, the question of following the said policy and completing the normal tenure in the outstation does not arise. In fact, if my request is acceded, it is only within the normal procedure as is being followed even in Western Zone and it will not be an exception in my case and thus it will not create unnecessary problems to the Department. On the other hand, by not getting a transfer, I am put to untold problems.

I have represented for transfer against a clear vacancy caused due to superannuation. My request is on compassionate grounds and on the ground of illhealth of my wife and myself. My genuine grounds have not been considered favourably. None of my seniors working outside Madras have represented for transfer to Madras. Had I been informed at the time of offer of promotion that I will not get a transfer back to Madras even against clear vacancy, I would also have remained there

like others waiting in turn for my promotion, cursing my fate. This was not made clear to me. The promotion which has come to me after 30 years, has resulted in loss in several aspects instead of gain. With this present state of affairs, there is no guarantee that I would get a transfer to Madras even after a reasonable period of enforced tenure in the present place. I am being compelled to stay here indefinitely virtually breaking up my family life. I am becoming desperate.

If I am not transferred now to Madras, I have to wait indefinitely at Hyderabad since there is no likelihood of any vacancy of Senior Stenographer till 2001.

In view of the above, I request that DGW may kindly consider my case sympathetically and render justice by issuing necessary directions to Suptg Engineer (Coordn), Southern Zone, CPWD, Madras early.

Since the post of Senior Stenographer at Madras is likely to be filled before 30.9.1996, I request for early orders.

Yours faithfully,

(G. SANKARAN)  
Senior Stenographer

P.

A VII

No.A-22015/6/95-Admn.IV  
Government of India  
Ministry of Urban Affairs and Employment  
(Shahari Karya Aur Rozgar Mantralaya)

New Delhi, dated the 20 May, 1996.

OFFICE MEMORANDUM

Subject:- Providing opportunity to Upper Division Clerks of this Ministry for posting in their respective Home States.

The undersigned is directed to say that it has been experienced in the past that a majority of the LDCs presently posted in the Zonal Offices of this Ministry outside Delhi viz. Madras, Calcutta etc. do not move out of their respective States on promotion to the Grade of UDC and instead would like themselves to get adjusted there itself against future vacancies. Efforts were made to accommodate such UDCs in their respective offices depending upon the availability of vacancies. At the same time some UDCs of this Ministry working outside their Home States have been requesting for posting to Home States. It has not been possible to agree to their requests for the reason that vacancies which arose from time to time were consumed by the LDCs already working there on their appointment as UDCs. Some UDCs even seek reversion to the post of LDC to get posting to their Home States. It is thus felt that some balanced approach need to be adopted so that both LDCs and UDCs may get equal opportunity to work in their desired Stations. Therefore, it has been decided to prepare a panel of UDCs interested to be posted to the Zonal Offices of this Ministry located at Madras, Calcutta and Hyderabad as in the case of LDCs. The vacancies in the UD Grade arising in the said Offices from time to time may be filled up in the ratio of 1:1 i.e., one out of the panel of UDCs and the other by promotion of LDCs awaiting promotion at those Stations. In case, there is no UDC available on the panel, the vacancy will be filled up, by promotion of the LDC awaiting promotion.

2. The contents of this O.M. may please be brought to the notice of all concerned.

*P. K. H. H.*

*Lamp*  
( RAJIV RAI )

Under Secretary to the Govt. of India

To

1. All Sections/Units/Cells in the Sectt. of this Ministry.

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*R*

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A VI

Government of India  
Central Public Works Department

No.9/13/95/Coord/SZ/ 1394

Dt. 04 /07/1995.

OFFICE ORDER NO.203 /1995.

Consequent on the impending closure of the office of Visakhapatnam Central Circle in Southern Zone-II and reopening of the same as Madurai Central Circle, Madurai in accordance with DG(W)/CPWD/New Delhi's Office Order No.143/1995 issued under Lr.No.2/14/92-W.II(DGW) dated 28.6.1995 and Chief Engineer, South Zone-I/Madras Letter No.24/4/95-Admn/dt.03.07.1995, the following transfers and postings of the Ministerial staff are ordered in public interest.

These orders will take effect from the date the above orders of Director General (Works) are actually implemented.

Sl. No.	Name of the Official	Office to which attached	Office to which posted	Remarks.
<u>I. STENOGRAPHER (SG)</u>				
1.	N. Balakrishnan	VCC Vizag	Madurai Central Circle/Madurai	Existing vacancy
<u>II. DAETRY</u>				
1.	T. Rangaswamy	VCC Vizag	Madurai Central Circle/Madurai	Existing vacancy.

Superintending Engineer(Coord)  
SZ/CPWD/EGMORE/MADRAS/600 008.

Copy to:-

- 1 and 2) Officials thro' their respective offices.
3. The Superintending Engineer/VCC/CPWD/Vizag.
4. The Superintending Engineer/MCC/CPWD/Madras.
- 5 and 6) The Chief Engineers(SZ-I)-Madras and (SZ-II)-Hyd'bad.
- 7) Stock file.
- 8) The Executive Engineer/MCD/CPWD/MADURAI. This copy may be passed on to the SE when he opens his Circle in Madurai.
- 9) The Regnl.Secretary/CPWD NGO's Staff Assn;/Madras.
- 10) E.1
- 11 & 12) Spare copies.

Superintending Engineer(Coord)



(25)

A. IX

(28)

Government of India  
Central Public Works Department

No.9(2)(2)96/Coord/SZ/ 176.

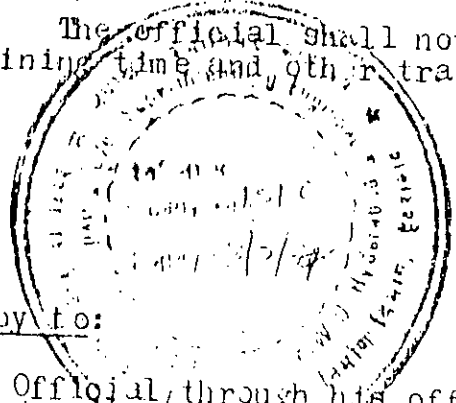
Dated: 22.1.97

OFFICE ORDER NO:16/1997

The transfer and posting of the following Stenographer Senior Grade is ordered at his own request .

Sl. No.	Name of the Stenographer	Office to which		Remarks
		Attached	Posted	
1.	Shri.N. Balakrishnan, Stenographer	MDUCC/ Madurai	HCC-I/ Hyderabad	Vice Shri.N.K. Moorthy, Stenographer Gr.I transferred to Bangalore.

The official shall not be entitled to transfer TA/DA, joining time and other transfer benefits.



Superintending Engineer(Coord)  
SZ:CPWD BESANT NAGAR:CHENNAI:90.

Copy to:

1. Official, through his office.
2. The Superintending Engineer, Hyderabad Central Circle, CPWD, Hyderabad.
3. The Superintending Engineer, Madurai Central Circle, CPWD, Madurai... with reference to his letter No.15/PT/MDUCC/97/173 dated 16-1-97.
4. The Regional Secretary, CPWD-NGO Staff Association, Chennai.
5. Stock File.
6. EO-I.
7. Head Clerk.
8. Spare -1.

Superintending Engineer(Coord).

CH/EE. HQ/SW/Supd/Sec.

pus

Pu (PB using room)  
Came for the inspection

CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..

O.A.No.1214/1997

Date of decision: 12th September, 1997.

Between:

G.Sankaran. .. Applicant.  
and

1. Director General of Works, Central P.W.D.,  
Nirman Bhavan, New Delhi 110 011.
2. The Superintending Engineer (Coordn),  
Southern Zone, Central P.W.D. "Rajaji  
Bhavan" BPOA Complex III Avenue,  
Basant Nagar, Chennai 600090 Respondents.

Counsel for the applicant Sri B.B. Vijaya Kumar.

Counsel for the respondents: Sri V.Rajeswara Rao.

JUDGMENT.

(by Hon'ble Sri H. Rajendra Prasad, Member (A))

...

Sri P.B.Vijaya Kumar for the applicant and Sri V.  
Rajeswara Rao for the respondents.

The applicant has been working as Senior Stenographer  
at Hyderabad since June, 1994. He has been making repeated re-  
presentations for a posting to Madras. The Superintending  
Engineer (Coordination), who also happens to be the  
Chairman of Hard Cases Committee for Ministerial Staff,  
has not yet responded to the representation. In the  
meanwhile, one Mr. Yethirajulu, Senior Stenographer in the

8/12/97

: 2 :

Office of the Superintending Engineer, Chennai  
Circle-I, C.P.W.D., is due to retire on superannuation  
by the end of this month. The applicant is desir~~ous~~ous  
of being considered for a transfer and posting in  
the resultant<sup>g</sup> vacancy at Madras. It has been  
mentioned in one of the Annexures that there is no  
normal tenure prescribed for Stenographers and  
as such the question of the applicant completing, or  
not completing, normal tenure would not arise. This  
is a matter which falls wholly in the Administrative  
sphere of the respondents. It will, however, be equitable  
and fair ~~if~~ the difficulties expressed by the appli-  
cant (if he continues at <sup>Hyderabad</sup> ~~are~~ are duly taken into  
consideration and his request is viewed as sympathetically  
as administratively feasible. The Director General of  
Works, (Respondent No.1) may have the case examined and  
explore the feasibility of meeting the requirement of  
the applicant by accommodating him in ensuing vacancy  
at Madras. A suitable decision may be taken at the  
earliest and communicated to all the concerned, including  
the applicant, well before the end of this month.

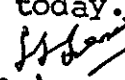
8/14/5

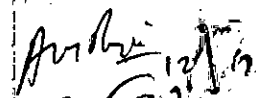
: 3 .

until a decision is taken and communicated in the  
case, the vacancy which is going to arise at Chennai  
shall not be filled up.

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

  
H. RAJENDRA PRASAD,  
MEMBER (A)

C.C. today.  
  
(B.O.)

  
D. R. (S)

~~7/8~~

Copy to.

1. The director General of works, Central P.W.D.,  
Nirman Bhavan, New Delhi 110 011.
2. The Superintendent Engineer (Coordn), Southern Zone, Central.  
P.W.D. "Rajaji bhavan" BPOA Complex III Avenue, Basant Nagar,  
Chennai 6000090.
3. one copy to Mr.P.B.Vijay kumar. Advocate.CAT.Hyderabad.
4. One copy to Mr. V. Rajeswara Rao.Addl. C.G.C.(Hyderabad.)C.A.T
5. One copy to Hon'ble H.Rajendra prasad. Member (A)Hyderabad.
6. One copy to Dy Registrar.(A) CAT.hyderabad.
7. One ~~copy~~ Duplicate copy.

88/19/97  
Cc to day  
TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R.R. USARAJAN : M (A)

AND

THE HON'BLE SHRI B.S. JAI P.R. MESHWAR:  
(M) (J)

Dated: 12-9-97

ORDER/JUDGEMENT

M.A./R.A./C.A. NO.

in

C.A. NO. 1214/97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

