

37

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. No. 1372/1997

Date of Decision:
28th October, 1997

BETWEEN:

Ch. Harinadh Babji .. Applicant

AND

1. The Director, Small Industries
Service Institute,
Ministry of Industry,
Government of India,
Narsapur 'X' Roads,
Balanagar, Hyderabad-500 037.
2. Asst. Director (Admn.),
Small Industries Service Institute,
Ministry of Industry,
Government of India,
Narsapur 'X' Roads,
Balanagar,
Hyderabad - 500 037. .. Respondents

Counsel for the Applicant: Mr. Y. Suryanarayana

Counsel for the Respondents: Mr. K. Bhaskar Rao

CORAM:

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.)

ORDER

(Per Hon'ble Sri H. Rajendra Prasad: Member (Admn.) *Ji/28m*)

Heard Mr. Y. Suryanarayana, learned counsel for the applicant, and Mr. K. Bhaskar Rao, learned additional standing counsel for the Respondents.

The applicant, Mr. Harnath Babji, Stenographer Gr.II, was transferred from Small Industries Service Institute (SISI), Hyderabad, to Branch SISI, Visakhapatnam, vide Order No.D(SI)H/Estt.42(76)/93/11929 dated 6th October, 1997

(Annexure-VI to the O.A.) One Mr. Koteswara Rao, Stenographer

Branch SISI, Visakhapatnam, was transferred and posted in place of the Applicant. The applicant asserts that the transfer has a link with an incident which ^{is} said to have taken place on 30.9.1997 involving himself and certain officers of the respondent organization. It is stated that a police report was lodged in connection with ~~it~~ and that investigations are underway into the alleged incident. The respondents agree that an incident did indeed take place ^{add that} but it has no connection or link with the impugned transfer of the applicant. It is stated by them that the applicant abandoned his duties after 30.9.1997 and turned up only on 6.10.1997.

3. Mr. Suryanarayana raises the following points:-

1. A post of Stenographer has been transferred from SISI, Hyderabad, to Branch SISI, Visakhapatnam, on 20.10.97, vide Memo No.D(SI)H/Estt.42(76)/93/12325 Dt.14/22.10.97 (Annexure-7 to rejoinder). Respondent No.1 is not competent to order such diversion of posts.
2. While the applicant was relieved from his post at Hyderabad, some oral instructions seem to have been given to Branch SISI, Visakhapatnam, not to relieve Mr. Koteswar Rao. Subsequently, a post was transferred to Visakhapatnam to facilitate the continued retention of Koteswar Rao at that station. The off-shoot of the hurriedly ordered rearrangement was that only the applicant was displaced from his post without any reciprocal affect on the incumbent at Visakhapatnam.
3. It was orally submitted by the learned counsel that the transfer order was issued in the middle of the academic year thus dislocating the education of the applicant's son who is in school at Hyderabad.

[Signature]

4. If a post had to be transferred from the main office to Branch Office, and if someone had to be transferred along with the post, the junior most of the existing stenographers should have been transferred instead of picking out the applicant who is senior to many others.

4. Mr. Bhaskar Rao, learned standing counsel, submitted that the post of Stenographer had to be diverted from the main office to Visakhapatnam in response to persistent requests of Visakhapatnam Branch Office and that this was a routine administrative action without any link whatsoever with the impugned transfer of the applicant or with the alleged incident. On being asked as to why the post was transferred only on 14th (or 22nd ^{October}) when the transfer of Mr. Koteswar Rao to Hyderabad was ordered nearly a fortnight earlier, there was no satisfactory answer from the Respondents. Similarly, when asked as to why a stenographer was transferred at all from Visakhapatnam in the face of persistent request of the Branch Office for an additional stenographer there - as now submitted by them - there was no satisfactory explanation.

5. The facts have been examined.

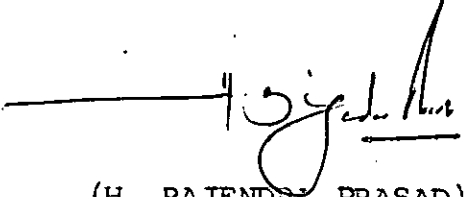
6. It is noticed that the applicant has not represented his grievance to any superior officer after receiving the impugned order of transfer. Although the details of the alleged incident on 30.9.1997 were promptly faxed to the Development Commissioner, Small Scale Industries, New Delhi, (as seen from the Annexure-V to the OA), it is felt that Development Commissioner, Small Scale Industries has had no opportunity to go into the grievance of the applicant regarding his impugned transfer. It will, for that reason, be premature at this stage for this Tribunal to interfere in any manner in this case.

Q.

7. It is, therefore, directed that the applicant may, if he is so advised, represent his grievance- supported by such reasons as he may wish to adduce- to the Development Commissioner, Small Scale Industries, New Delhi, within ten days from today. If such a representation is made and received, the Development Commissioner, smallScale Industries, shall have the same examined and arrive at a suitable decision in the matter, and convey the same to the applicant within 15 days from the date of receipt of such a representation in his office. The applicant states that he is at present on leave. Until such time that a decision is received on the representation of the applicant from the Development Commissioner. as indicated already, the applicant shall not be required to join at Visakhapatnam. Instead, if he applies for any kind of leave due and admissible, the same shall be sanctioned.

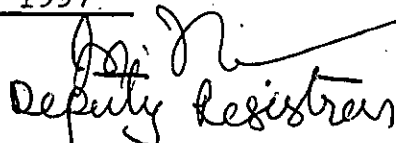
8. In passing this order it is made clear that the alleged incident of 30.9.1997, or any allegation or development relating thereto, is ^{not} taken note of. It is a separate matter with which this Tribunal has no concern. The present grievance is confined to impugned transfer, and, therefore, the directions issued also relate to that grievance alone.

9. Thus the OA is disposed of at the Admission stage.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

Date: 28th October, 1997

KSM


Deputy Registrar

O.A.1372/97.

To

1. The Director, Small Industries Service Institute,
Ministry of Industry, Govt.of India,
Narsapur 'X' Roads, Balanagar, Hyderabad-37.
2. The Assistant Director(Admn.)
Small Industries Service Institute,
Ministry of Industry, Govt.of India,
Narsapur 'X' Roads, Balanagar, Hyderabad-37.
3. One copy to Mr.Y.Suryanarayana, Advocate, CAT.Hyd.
4. One copy to Mr.K.Bhaskar Rao, Addl.CGSC.CAT.Hyd.
5. One copy to HHRP.M.(A) CAT.Hyd.
6. One copy to D.R.(A) CAT.Hyd.
7. One spare copy.

pvm

11/11/97

I 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)

DATED:- 28/10/97

~~ORDER~~ JUDGMENT.

M.A./P.A./C.A.No.

in

O.A.No. 1372/97

T.A.No. (W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No.order as to costs.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज / DESPATCH
16 NOV 1997
हैदराबाद बेंच
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.NO. 16/98 in O.A.1372/97

Date of Order:22-1-98

Between:

Ch.Harinadh Babji.

.. Applicant.

and

1. The Director,
Small Industries Service Institute,
Ministry of Industry, Govt.of India,
Narsapur 'X' Roads, Balanagar, Hyderabad-37.
2. Assistant Director (Admn.)
Small Industries Service Institute,
Ministry of Industry, Govt.of India,
Narsapur 'X' Roads, Balanagar, Hyderabad-37.

.. Respondents.

For the Applicant: Mr. S.Ramakrishna Rao, Advocate.

For the Respondents: Mr.K.Bhaskar Rao, Addl.CGSC.

CORAM:

THE HON'BLE MR. H.PAJENDRA PRASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

The reliefs claimed in the M.A.(in an already disposed of case) has since been granted to the Misc.Applicant since the issue of order No.1(16)/92-Vig. dated 22/23/12/97 by the Development Commissioner, Small Scale Industries, New Delhi addressed to Director, SISI, Hyderabad.

With this no grievance survives in the OA or in the MA at present. MA is disposed as infructuous.

[Signature]
Deputy Registrar

To

1. The Director, Small Industries Service Institute,
Ministry of Industry, Govt.of India, Narasapur 'X'
Roads, Balanagar, Hyderabad-37.
 2. The Assistant Director (Admn.)
Small Industries Service Institute,
Ministry of Industry, Govt.of India,
Narasapur 'X' Roads, Balanagar, Hyderabad-37.
 3. One copy to Mr. S.Ramakrishna Rao, Advocate, CAT.Hyd.
 4. One copy to Mr.K Bhaskar Rao, Addl.CGSC. CAT.Hyd.
 5. One spare copy.
- pvm.

4/2/98

I Court

TYPED BY

CHECKED BY

COMPALED 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)

DATED: 22-1-1998

ORDER/JUDGMENT:

M.A./R.A./C.A.No. 16/98

in

O.A.No.

1372/97.

T.A.No.

QW.R

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

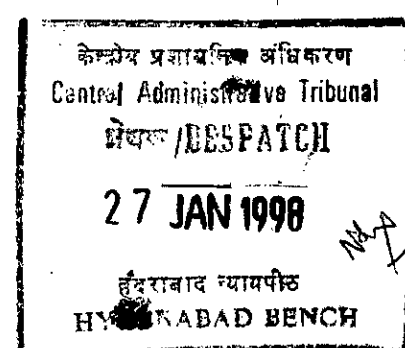
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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FORM III (SEE RULE 8(3))
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT: HYDERABAD

M.A. NO: 16 OF 1978

IN

O.A. No. 1372 of 1997

BETWEEN:

Ch. Harinadh Babji, S/o. Ch. Subbarayudu,
aged about 42 years, working as Stenographer,
Small Industries Service Institute, Ministry of Industry,
Govt. of India, Narasapur 'X' Roads
Balanagar, HYDERABAD - 500 037.

APPLICANT

A N D

1. The Director,
Small Industries Service Institute, Ministry of Industry,
Govt. of India, Narasapur 'X' Roads,
Balanagar, HYDERABAD - 500 037.
2. Asst. Director (Admn),
Small Industries Service Institute, Ministry of Industry,
Govt. of India, Narasapur 'X' Roads,
Balanagar, HYDERABAD - 500 037.

RESPONDENTS

MISCELLANEOUS APPLICATION FILED UNDER RULE 8(3) OF C.A.T.
(PROC.) RULES, 1987

For the reasons stated in the accompanying affidavit,
it is respectfully prayed that the Hon'ble Tribunal may be
pleased to direct the Respondents to permit the applicant to join
duty at Hyderabad, as the Development Commissioner, Small Scale
Industries, Nirman Bhavan, New Delhi-110 011, did not finalise
the matter inspite of direction from the Hon'ble Tribunal and be
pleased to pass such other and further order or orders as the
Hon'ble Tribunal may deem fit and proper in the circumstances of
the case.

Hyderabad.
Dt.23.12.1997

COUNSEL FOR THE APPLICANT

:PAGE NO. 2 :

FORM III (SEE RULE 8(3))
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT: HYDERABAD

M.A. NO: 16 OF 1998

IN
O.A. No. 1372 of 1997

BETWEEN:

Ch. Harinadh Babji, S/o. Ch. Subbarayudu,
aged about 42 years, working as Stenographer,
Small Industries Service Institute, Min. of Industry,
Govt. of India, Narasapur 'X' Roads,
Balanagar, HYDERABAD - 500 037

APPLICANT

A N D

1. The Director,
Small Industries Service Institute, Ministry of Industry,
Govt. of India, Narasapur 'X' Roads,
Balanagar, HYDERABAD - 500 037.
2. Asst. Director (Admn),
Small Industries Service Institute, Ministry of Industry,
Govt. of India, Narasapur 'X' Roads,
Balanagar, HYDERABAD - 500 037.

RESPONDENTS

A F F I D A V I T

I, Ch. Harinadh Babji, S/o. Ch. Subbarayudu, aged about 42 years, working as Stenographer, Small Industries Service Institute, Min. of Industry, Govt. of India, Narasapur 'X' Roads, Balanagar, HYDERABAD - 500 037, do hereby solemnly and sincerely affirm and state on oath as follows:

1. That I am the deponent herein and applicant in O.A.No. 1372/97 and therefore well acquainted with the facts of the case.
2. I submit that I had filed O.A. No.1372/97. By the impugned order dated 6.10.1997, the applicant was transferred from SISI, Hyderabad to Branch SISI, Visakhapatnam and in the place of the applicant one Mr. V. Koteswara Rao, Stenographer from Br.SISI-Visakhapatnam was transferred and posted. The Member (Admn.) of this Hon'ble Tribunal in the Final Order dated 28.10.1997 directed the applicant to file an Appeal/Represent-

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tation of his grievance to the Headquarters, i.e., the Development Commissioner, Small Scale Industries, New Delhi, within 10 days from the date of Judgement, i.e. 28.10.1997 and if such a representation that has been made and received by the DC(SISI), New Delhi, the matter may be decided and conveyed to the applicant within 15 days from the date of receipt of such representation in his office. In fact, as per the Order of the Hon'ble Tribunal, the DSC(SSSI), New Delhi should have conveyed his decision by 21.11.1997 as 15 days period was only granted by this Hon'ble Tribunal within which time, the DC(SSSI) ought to have come to a final decision in the appeal and communicated to the applicant on or before 21.11.1997. Although more than 4 weeks in excess of the time that has been granted for the DC(SSSI) to pass the final order and to communicate the same to the applicant, the DC(SSSI) has not so far passed the final order and had not communicated to the applicant. The applicant had applied for leave and is still on leave for the last 2 1/2 months. The applicant, therefore prays that this Hon'ble Tribunal may be pleased to set aside the impugned order of the Director, SISI-Hyderabad dated 6.10.1997 transferring the applicant herein.

The applicant submits that unless this Hon'ble Tribunal directs the Director, SISI-Hyderabad, the applicant will be put to great hardship and will be suffered with an irreparable loss.

(1) It is submitted that the Director, SISI-Hyderabad is the appointing authority and all the service matters concerned with the officials appointed by him are governed by him alone including transfers within the state (as only 2 offices, i.e., at Visakhapatnam and Hyderabad.) under jurisdiction.

(2) It is also submitted that the Director himself being the 1st Respondent in the above O.A.No.1372/97 who is a Final Authority as far as this applicant is concerned, the Hon'ble Tribunal can decide without referring the matter to the DC(SS1), New Delhi. Therefore it is just and proper that the Hon'ble Tribunal may be pleased to direct the Respondents to allow the applicant to join duty in view of the circumstances explained above.

(3) It is further submitted that it is evident that the transfer effected to me was malafide and for extraneous considerations, as is evident from the fact that the 1st Respondent in the DA, i.e., the Director, SISI was also arrested for atrocities committed by him on me and is released on bail. Consequently it is learnt that due to his consistent objections and representations made to Development Commissioner, is not being disposed as directed by the Hon'ble Tribunal. It is likely that the matter may prolong for some more time and as I have already exhausted my leave, I will be put to further monetary loss by forcing me to go on loss of pay for such period till the representation is disposed of.

(4) It is respectfully submitted that the order of the Hon'ble Central Administrative Tribunal, Hyderabad Bench, directed the DC(SS1) to dispose off the Representation, which was made by the applicant in accordance with the same order of the Tribunal, within 15 days of the receipt of such representation and inspite of the stipulated time being lapsed by 21.11.1997 and in spite of the efforts made by the applicant reminding the DC(SS1) by one more letter dated 26.11.1997 requesting the DC(SS1) to dispose off the matter, nothing had been heard from the DC(SS1), forcing this applicant to continue on leave which he is on the verge of exhausting for no fault of his and the applic-

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ant is being put to grave and irreparable loss and severe mental agony and physical hardships.

In view of the circumstances mentioned above, it is respectfully prayed that the Hon'ble Tribunal may be pleased to direct the Respondents to permit the applicant to join duty at Hyderabad, as the Development Commissioner, Small Scale Industries, Nirman Bhavan, New Delhi-110 011, did not finalise the matter inspite of direction from the Hon'ble Tribunal and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Sworn and signed on this
23rd day of November, 1997
at Hyderabad.

D E P O N E N T

BEFORE ME

ADVOCATE

contd.....

also questioned as to why I had ~~at~~ come down and on whose permission and how I dared to talk to the Director in the manner I did. Sri T. Bhaskara Rao thereupon, had assaulted me and he had also hit me on the left side of my neck. There was a bleeding injury that was caused to me. At the same time, Sri S. Suryaprasada Rao also attempted to assault me. Then Sri D. Krishna Sastry, Stenographer, came and separated me from the Director and the Assistant-Director (Admn). Then, in front of all the staff members, I had expressed my grievances and I had shown to all the staff members the wound that was caused to me and all the staff members were eye-witnesses to the said incident. I state that at that time I was proceeding to my seat near the stairs. Then, the Asst. Director (Admn) Sri T. Bhaskara Rao again came to me and threatened me that he would cut me into pieces and kill me before he attains the age of superannuation which was due by the end of November '97. Aggrieved by the assault committed by the Director and the Asst. Director (Admn.) i.e., Sri S. Suryaprasada Rao and Sri T. Bhaskara Rao respectively, I had gone to the Balanagar Police Station for lodging a complaint in the matter and I had lodged a written complaint with the Balanagar Police Station on 30-9-1997, which was received by them at 12-30 P.M. and a general entry was made and the complaint was handed over by the Circle Inspector to the Sub-Inspector of Police for taking necessary action. The Sub-Inspector of Police, Balanagar Police Station had sent me along with a constable to the C.D.R. Hospital, Jeedimetla, for treatment of the wound sustained by me and the C.D.R. Hospital, Jeedimetla, had issued wound certificate to me after the treatment was given ~~me~~ (an injection was given along with the prescription of tablets).

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From:
CH. Harinadh Babji,
Stenographer,
Small Industries Service Institute,
Narsapur 'X' Roads,
Balanagar,
HYDERABAD - 500 037.

5th November 1997

To
The Development Commissioner,
Small Scale Industries,
7th Floor, Nirman Bhavan,
NEW DELHI - 110 011.

Respected sir, I state that while I was working as a Stenographer in S.I.S.I., Hyderabad, a relative of mine by name Sri Nageswara Rao came to see me at the office at 10-45 AM on 30-9-1997. After he met, he was leaving my office premises and I had accompanied him from the office which is in the upstairs to the ground-floor to see him off. At that particular time i.e., 11-10 A.M., Sri S. Surya Prakasa Rao, Director, S.I.S.I., Hyderabad, came to the office by the office Naruti van and after getting got down from the van, he had questioned in the threatening manner as to why I had come down and on whose permission I had left my seat and come down and asked me what I was doing in the ground floor. He also stated as follows: "What are you thinking? You don't have any sense". Then I politely replied, "Sir, my relative met me and I had to talk and see him off. For this small thing you are interrogating me unnecessarily". In this connection, it is noteworthy that I belong to SC community. Then, Sri S. Surya Prakasa Rao, Director, S.I.S.I., had scolded me and addressed me as follows: "Useless fellow, you bastard SC etc."

I submit that at that point of time Sri T. Bhaskara Rao Asst. Director (Admin.) came down from upstairs and he had

that I stood relieved of my duties at Hyderabad on the afternoon of 6-10-1997 with instructions to report to the Deputy Director, S.I.S.I., Visakhapatnam Branch. I submit that so far as Sri V. Koteswara Rao, Stenographer, Visakhapatnam Branch of S.I.S.I., who was posted in my place is concerned, he was not relieved so far. On the other hand, the Director, S.I.S.I., Balanagar, Hyderabad, telephonically conveyed to the Dy. Director, S.I.S.I., Visakhapatnam Branch, not to relieve Sri V. Koteswara Rao and the orders transferring Sri V. Koteswara Rao must be kept in abeyance by retaining Sri Koteswara Rao at Visakhapatnam. I state that the Dy. Director, S.I.S.I., Visakhapatnam Branch had been corresponding for quite a long time with the Director, S.I.S.I., Hyderabad for creating another post of a stenographer at the S.I.S.I., Visakhapatnam Branch, stating that it was difficult to carry on the work with only one stenographer in the Visakhapatnam Branch. The latest correspondence between him and the Director after was eight days 6-10-1997. In other words, the correspondence between the Dy. Director, S.I.S.I., Visakhapatnam Branch and the Director, S.I.S.I., Hyderabad has been concluded on 14-10-97 with by-date 22-10-97 whereas I was transferred and relieved on 6-10-97. From the above, it is clear that the Tr. No. D(SI)H/Estt.42(76)/93/12325, dt. 14-10-97 with by-date 22-10-97 had been brought into existence only to justify the impugned transfer order dt. 6-10-97, issued by the Director, S.I.S.I., Hyderabad, transferring me from Hyderabad to Visakhapatnam. It is rather very strange that the Dy. Director, S.I.S.I., Visakhapatnam Branch wanted another stenographer keeping in view of the work load at Visakhapatnam Branch on one hand and Sri V. Koteswara Rao, Cont...5

On 7/8th October, 1997, I had made a written representation to the Superintendent of Police, Rangareddy District, Hyderabad, a copy of which is included along with this representation for your ready reference. I also made a complaint in writing to the Hon'ble/Sri B. Yadaiah, National Commission for SC & STs on 30-9-1997. I also sent to the Development Commissioner, Small Scale Industries, New Delhi, a Fax Message on 30-9-1997, and a representation dt. 7-10-97 with all details and material documents. I am herewith enclosing xerox copies of the Fax message dt. 30-9-97 and representation dt. 7-10-97 for ready reference. On 30-9-1997, five office staff members who were eye-witnesses to the incident that had happened on the morning of 30-9-97, had proceeded to the Balanagar Police Station and had given evidence before the police authorities which recorded by the Balanagar police station on that day. I also state that a Head Constable and a Constable belonging to the Balanagar Police Station had gone to the office of the Director, S.I.S.I., Balanagar and they had met Sri S. Suryaprakasa Rao, Director and Sri T. Bhaskara Rao, Asst. Director (Admin) for making enquiries and the said Head Constable and the Constable must have recorded their statements.

I state that the Director, S.I.S.I., Balanagar, Hyderabad, had, by Proc. No. D(SI)H/Estt. 42(76)/93/11929, dt. 6-10-1997, had passed an order transferring me from S.I.S.I., Hyderabad to S.I.S.I., Visakhapatnam Branch and Sri Y. Koteswara Rao, Stenographer, working in the S.I.S.I., Visakhapatnam Branch was transferred and posted in my place, at Hyderabad. In the aforesaid transfer order it was stated that I was entitled to T.A., D.A., and joining time as per rules. However it was further stated

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are being carried out by the Balanagar Police Station and necessary action would be initiated by the Police authority very soon. After I filed the complaint with the Balanagar Police Station, regarding the incident that had taken place on 30.9.97, Sri S. Suryaprakasa Rao, Director, S.I. S.I., Hyderabad and Sri T. Bhaskara Rao, Asst. Director (Admn) had persuaded me to withdraw my complaint between 30th September '97 and 5th October '97 as I had refused to withdraw the P.I.R., in view of the humiliation and manhandling in the presence of the staff members of the office who were eye-witnesses. Sri S. Suryaprakasa Rao, Director, S.I. S.I., Hyderabad, had passed an order dt. 6-10-1997 transferring me to S.I. S.I., Visakhapatnam Branch and transferring Sri V. Koteswara Rao from S.I. S.I., Visakhapatnam Branch to Hyderabad to occupy the post held by me.

I state that questioning the legality and validity of the order of transfer dt. 6-10-1997, I had filed O.A. No. 1372 of 1997 on the file of the Hon'ble Central Administrative Tribunal, Hyderabad Bench, for quashing the aforesaid order of transfer. The said O.A. was admitted and it was heard on 28-10-1997 after the counter affidavit and reply affidavits of the parties have been filed. A Division Bench of the C.A.T., Hyderabad Bench on 28-10-1997 passed an order directing me to represent my grievances to the Development Commissioner within ten days from 28-10-1997 and if I should make such a representation, a direction was given to the Development Commissioner to examine the representation and arrive a suitable decision in the matter and convey the said decision to me within fifteen days of the receipt of such representation. I am herewith enclosing a xerox copy of the aforesaid judgment dt. 28-10-97 for your kind perusal.

the only one stenographer was transferred on the other hand from Visakhapatnam to Hyderabad to occupy my place. It is clearly arbitrary, illegal and malafide. The transfer is more by way of punishment to me because I had already lodged a complaint against Sri S. Suryaprakasa Rao, Director, S.I.S.I., Hyderabad and Sri T. Bhaskara Rao, Asst. Director (Admn.) and in the F.I.R. which I filed on 30-9-97 in the Balanagar Police Station, I had also brought this to the notice of the Police authorities. I had also made a representation dt. 7/8th October '97 to the Superintendent of Police, Rangareddy District, Hyderabad. Further, I had also sent a Fax Message on 30-9-1997 to the Development Commissioner, New Delhi. I state that all the aforesaid copies of the documents are herewith sent for your perusal.

I state that the expressions/utterances used by Sri S. Suryaprakasa Rao, Director, S.I.S.I., Hyderabad, and Sri T. Bhaskara Rao, Asst. Director (Admn.) are clearly offences under the provisions of the SC & ST (Prevention of Atrocities) Act and they are liable to be prosecuted for the offences in a Criminal Court and they are liable to be imprisoned if they are found guilty and in that event, they are liable to be dismissed from service. I also understand that under the provisions of SC & ST (Prevention of Atrocities) Act, any one who abuses a member belonging to the SC & ST by the name of the caste to which the member belongs, is clearly guilty of the offences which is punishable with imprisonment and by imposition of fine or with both. Sri S. Suryaprakasa Rao, Director, S.I.S.I., Hyderabad and also Sri T. Bhaskara Rao, Asst. Director (Admn.) are both guilty of offences under the SC & ST (Prevention of Atrocities) Act, and the investigations into the F.I.R.

Under the facts and circumstances submitted above, I pray your honour, to quash or set-aside the transfer order in Proc.No.D(SI)H/Eatt.42(76)/93/11929, dtd.6-10-1997 of the Director,S.I.S.I., Hyderabad, on the ground that it is arbitrary and mala fide as also violative of Articles 14 and 16 of the Constitution of India.

I also pray that the orders of transfer may be cancelled and I may be continued as Stenographer in the Small Industries Service Institute, Hyderabad in the office of the Director,S.I.S.I., Hyderabad and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

BE PLEASED TO CONSIDER

Yours respectfully,

(CH.HARINADH BABJI)
Stenographer,SISI,Hyd.

List of Document copies enclosed:

1. Police Complaint dt.30-9-97 in Telugu(F.I.R)
2. True translation of Police Complaint dt.30-9-97 into English
3. Medical Certificate dt.30-9-97 issued by the C.D.R.Hospital.
4. Representation dt.30-9-97 submitted to the Hon'ble Member, National Commission for SC & STs.
5. Fax Message dt.30-9-97 transmitted to Dev.Commissioner,New Delhi.
6. Transfer Order No.D(SI)H/Eatt.42(76)/93/11929,dt.6-10-97
7. Representation dt.7-10-97 to Shri Irni Raya,IAS., Dev.Commr.N.D.
8. Representation dt.8-10-97 to the Supdt.of Police,R.R.Dist.,Hyd.
9. Order No.D(SI)H/Eatt.42(76)/93/12325,dt.14/22nd Oct.1997
10. Judgment of the C.A.T.,Hyderabad Bench dt.28-10-97 in O.A.No.1372/97.

By Speed Post With Ack. Due
REMINDER

~~Fax No. 011-3012315~~

FROM:
Ch. HARINADH BABJI
Stenographer,
SMALL INDUSTRIES SERVICE INSTITUTE
BALANAGAR, HYDERABAD:

To:

THE DEVELOPMENT
COMMISSIONER (SMALL SCALE INDUSTRIES)
NIRMAN BHAVAN, NEW DELHI: 11

Dt. 26.11.97

RESPECTED SIR

SUB : TRANSFER TO BE SISI VISAKHAPATNAM FROM SISI:HYDERABAD-REG.

REF : MY REPRESENTATION DATED 5.11.97 BY SPEED POST.

I HAVE SUBMITTED A REPRESENTATION TO YOU BY SPEEDPOST ON 5.11.97 REQUESTING YOU TO RETIAN ME AT SISI HYDERABAD AS DIRECTED BY THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL VIDE ITS ORDER DT 28-10-97 BY SETTING ASIDE THE OFFICE ORDER OF THE DIRECTOR SISI:HYDERABAD DATED 6.10.97 AS THE SAME WAS ONLY WITH MALAFIDE INTENTIONS TO VICTIMISE ME ON PERSONAL CRUDGES AND TO PREVENT ME TO SEEK LEGAL REMEDY FOR THE INJUSTICE AND CRIME COMMITTED ON ME.

THE HON'BLE TRIBUNAL DESIRED THAT YOU MAY DISPOSE OF MY REPRESENTATION WITHIN 15 DAYS FROM THE DATE OF RECEIPT OF MY REPRESENTATION IN YOUR OFFICE AND SUBMIT THAT I HAVE NOT RECEIVED ANY ORDERS FROM YOU EVEN AFTER EXPIRY OF THE TIME STIPULATED BY THE HON'BLE CAT. HYDERABAD BENCH. I BEG TO SUBMIT THAT I HAVE NOT SO FAR RECEIVED MY SALARY OR ARREARS OF Vth PAY COMMISSION AND ~~THESE EXPERIENCES LET ME EXPERIENCE PHYSICAL AND MENTAL TORTURE, AS MY FATE WAS HANGING IN BALANCE AND ALSO I AM ON THE VERGE OF EXHAUSTING ALL MY LEAVE AT CREDIT. IN THESE CIRCUMSTANCES, I REQUEST YOUR GOODSELF TO TAKE A SYMPATHETIC VIEW AND KEEPING WITH THE HON'BLE TRIBUNAL ORDER, YOU MAY KINDLY PASS ORDERS AT THE EARLIEST.~~ NOT

Yours Faithfully,

Ch. Harinadh Babji 26/11/97
(Ch. HARINADH BABJI)

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)

A.P.P.M. Order 470
Form - 02

1. CR RR P.S. S.I. Balanagar. Year 97 FIR No 248 Date 7-11-97
2. (a) Act IPC. Sections 504 and 323
(b) Act _____ Sections _____
(c) Act _____ Sections _____
(d) Other Acts & Sections _____
3. (a) General Diary Reference Entry No. _____ Time _____
(b) Occurrence of Offence Day Tuesday. Date 30-9-97 Time 1230
(c) Information received at the Police Station Date 7-11-97 Time 6-11-97 10 a.m.
G.D. Page No. _____
4. Type of Information : Written/Oral
5. Place of Occurrence : (a) Direction and Distance from P.S. 1 KM from S towards West.
Address S.I. Balanagar. Beat No. _____
(b) In case outside limit of this Police Station, then the name of P.S. _____ District _____
6. Complainant/Informant :
(a) Name Ch. H. Vinath Babji
(b) Father's/Husband's Name Subba Rayudu,
(c) Date, Year of Birth/Age 43 yrs
(d) Nationality Indian.
(e) Address Stonographer, S.I. Balanagar.
7. Details of known/suspected/unknown/accused with full particulars

Shaskar Rao, Asst. Director
S.I.S.I.

8. Reasons for delay in reporting by the Complainant informant: _____
9. Particulars of properties stolen/involved : (Attach separate sheet, if required)

10. Total value of properties stolen/involved : _____
11. Is post report/Un-Natural Death case No., if any : _____
12. F.I.R. Contents : (Attach separate sheets if required)

On 30-9-97 at about 11-10 a.m while the complainant was present at the entrance of the office the Director asked him to reasons for standing there, had he taken permission to leave place of work, meanwhile the accused came there and intervened the complainant and Director. The Asst. Director pushed the complainant catching hold his neck and man handled him with hand.

Hence the F.I.R.

13. Action taken : Since the above report reveals commission of offences(s) u/s 504 and 323 IPC.
_____ referred the case and took up the investigation/directed _____
_____ to take up the investigation/transferred to P.S. _____
_____ on point of jurisdiction.
F.I.R. read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant/Informant free of cost.

Signature of the Complainant/Informant

Signature of the I/C of P.S.
Name : M. Krishna Reddy
Rank : SI of Police
Number, if any.

IN THE COURT OF ADJUDICIAL FIRST CLASS MAGISTRATE
WEST AND SOUTHKOTHA P. S. M.F.

Honourable Sir,

On-30-10-97 at 1230 hours received a petition from
Sri. Ch. Marimuth Babji, Stenographer, S.I.S.I. Balanagar made
OD entry and after permission from Honible Magistrate filed
a petty case U/s 504 and 323 IPC vide Cosecutive No. 58/97.
On 6-11-97 the Honible Magistrate endorsed on petty case section
504 IPC is not applicable file it under proper court. The contents
of the complaint are as follows.

తే॥ 30-9-97

శ్రీయత గౌరవనీయులైన ఇన్స్పెక్టరు గారికి
వాలనగర్ పోలీస్ స్టేషను

అయ్యో! నేను అవగా చుట్టుకున్న నాతి నాక చాచి క్షమాచా-
యడు, కాయస్సు 4-2 పంబ వృత్తి S.I.S.I. వాలనగర్ లో స్టేజీ -
గ్రావర్, ౧/౧ ప్లాటు నెం. 31 సర్కర్ పవెల్ నగర్ మూసవేయ, తమరిగా
మనది చేయవది ఏమిటా ఈ నాబ తె॥ 30.9.97 నాడు ఉదయం
11.10 గంటకు నా యొక్క ఆఫీసులో నేను సరి చేయించుకొని
చూ యొక్క బంధువు అయిన నాగేశ్వరావు నాదగ్గరకు వెళ్ళి
అతనిలో చూచుకొని ఆతనితో బయటకు పంపడానికి ఆఫీసు
వెళ్ళి వద్దకుగా అంతలానే మాడ్చెదేదేరు - S. సూర్యప్రకాశరావు
నాతో అది పరుయలూ ఆఫీసు ఇషయాల విడిచిపెట్టివేళు
బయటకు వెళుకు. తనవది కావలది గట్టిగా పెట్టుకు
భూతులు అట్టుచుండగా అంతలా Asst Director (Admn)
T. వాసవరావు తచ్చి అతనికుండ అట్టుచు వెళులూ
నా మెదలపై కట్టి గంట జోలి నాడు. ఇట్టుపరుయలూ
చూ ఆఫీసు వారుకుండ చూసివారు.
కావున నాకై కయకుల పై తెలిపిన మారిపై
చట్టరీత్యా తగిన చర్య తీసుకొనగలరు. చట్టు

చ వజియోడు
Sd/- 30/9/97
(CHHARINADH BABJI)
Ph 276131.

R/30-9-7 at 1230 hours
S.I.S.I. Sri. M. Krishna Reddy is instructed to enquire into
the matter and take n/a. Sd/- Inspector of police.
Received on 7-11-97 at 1000 hrs.

As per the petty case charge sheet booked for the petition was
determened for filing it in proper court I have registered a case in
Cr.No. 248/97 U/s 504 and 323 IPC and took up the investigation,
original complaint enclosed.
Sub. Inspector of Police
Balanagar P. S

:PAGE NO. 6 :

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH:
AT: HYDERABAD.

M.A. NO: OF 1997

IN

O.A. No. 1372 of 1997

BETWEEN:

Ch.Harinadh Babji ... APPLICANT

A N D

Director, SISI, Hyderabad
and another .. RESPONDENTS

IMPLEMENTATION PETITION

PETITION FILED UNDER RULE 8(3)
OF CAT (PROC.) RULES, 1987.

FILED FOR: APPL



FILED ON: 23.12.1997

FILED BY:

SANKA RAMA KRISHNA RAO,
ADVOCATE,
1-8-549/C, IInd Floor
CHIKKADAPALLY, HYDERABAD-20.
COUNSEL FOR THE APPLICANT

contd.....

19/11/98

M.A. 16/98

OA: 1372/97

Let it for Day-after-tomorrow for ^{such} further orders as may be found necessary.

This is at the request of Mr. Rama Krishna Rao, the Learned Counsel for the Petitioner/Applicant.

Jr
HHRP
M(A)

D.S.

Date: 22.1.98

Mr. S. Rama Krishna Rao for the applicant and Mr. K. Bhaskara Rao for the respondents.

The reliefs claimed in this MA (in an already disposed of case) has since been granted to the Mix. Applicant since the issue of order no. 1 (16)/92-Vig. dtd. 22/23-12-97 by the Development Commissioner, Small Scale Industries, New Delhi addressed to Director SISI Hyderabad.

With this no grievance survives in the OA or in the MA at present. MA is disposed of as infructuous.

Jr
HHRP
M(A)

MD.

दुसरी प्रति DUPLICATE

साधारण/GENERAL

एकल सदस्यीय केस

SINGLE MEMBER CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A. NO. 16 OF 1998.
IN

O.A. No. 1372 OF 1997

Discretion Petition.

Mr. S. Rama Krishna Rao
COUNSEL FOR THE APPLICANTS.

AND

Mr. K. Bhaskara Rao
Sr. ADDL. STANDING COUNSEL FOR
C.G. Rlys.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH .. HYDERABAD

M.A.No. 16/98 in C.A.1372/97

Date of Order: 22-1-98

Between:

Ch. Marimuth Labji.

.. Applicant.

and

1. The Director,
Small Industries Service Institute,
Ministry of Industry, Govt. of India,
Narasapur 'X' Roads, Balanagar, Hyderabad-37.
2. Assistant Director (i.d.n.)
Small Industries Service Institute,
Ministry of Industry, Govt. of India,
Narasapur 'X' Roads, Balanagar, Hyderabad-37.



.. Respondents.

For the Applicant: Mr. S. Ramakrishna Rao, Advocate.

For the Respondents: Mr. K. Bhaskar Rao, Addl. C.A.C.

CORAM:

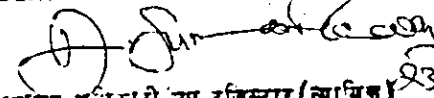
THE HON'BLE MR. H. K. JAIN, JUDGE : HON'BLE (A.M.)

The Tribunal made the following Order:-

The reliefs claimed in the M.A. (in an already disposed of case) has since been granted to the Misc. Applicant since the issue of order No. 1(16)/92-Vig. dated 22/23/12/97 by the Development Commissioner, Small Scale Industries, New Delhi addressed to Director, SISI, Hyderabad.

With this no grievance survives in the C.A. or in the M.A. at present. M.A. is disposed as infructuous.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY


न्यायालय-अधिकारी उप-रजिस्ट्रार (न्यायिक) 23/1/98

Court Officer/Dy. Registrar

केन्द्रीय प्रशासनिक अधिकरण

Central Administrative Tribunal

हैदराबाद शाखापेठ

HYDERABAD BENCH

30/-x x

Deputy Registrar

To

1. The Director, Small Industries Service Institute,
Ministry of Industry, Govt. of India, Narasapur 'X'
Roads, Balanagar, Hyderabad-37.

2. The Assistant Director (i.d.n.)
Small Industries Service Institute,
Ministry of Industry, Govt. of India,
Narasapur 'X' Roads, Balanagar, Hyderabad-37.

3. One copy to Mr. S. Ramakrishna Rao, Advocate, C.A. Hyd.

4. One copy to Mr. K. Bhaskar Rao, Addl. C.A.C. CAT. Hyd.

5. One spare copy.
pvm.