

27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. No. 1598 of 1997

Date of decision:
28th November, 1997

Between:

C. Leelavathamma

.. Applicant

AND

1. The Chief Engineer (Southern Command)
Head Quarters, Pune - I.
2. The Chief Engineer (Airforce),
DC Area Zone, Bangalore.
3. Commander Works Engineer (Airforce),
Mudfort, Secunderabad.

.. Respondents.

Counsel for the Applicant: Sri L. Nanda Kishore

Counsel for the Respondents: Sri N.R. Devaraj

CORAM:

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

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

ORDER

(Per Hon'ble Sri B.S. Jai Parameshwar: Member (Judl.))

1. Heard Mr. Nand Kishore, learned counsel for the Applicant and Mr. N.R. Devaraj, learned Sr. Standing Counsel for the Respondents.
2. The applicant is working as Senior Assistant Gr.I under the Respondent No.3. By an order Dt.28.2.1997 she was transferred to Visakhapatnam. On 19.3.97 she submitted a representation explaining her domestic difficulties and inconveniences and requesting to retain her at Secunderabad.

The Respondent-1 considered her request and defered the transfer till 31st October, 1997. On 29.9.97 the applicant submitted another representation for her retention at Secunderabad. The said representation was submitted to the Respondent-2 who by his letter Dt.4.11.97 recommended her case and submitted to Respondent-1 to consider her case for retention.

3. On 12.11.97 the Respondent-1 rejected the request of the applicant for retention and issued instructions to make arrangements to relieve the applicant by 29.11.97.

4. Hence the applicant has filed this OA to declare the action of the Respondent-1 in confirming the original transfer order Dt.28.2.1997 as arbitrary, illegal and violative of Article 21 of the Constitution of India and consequently to direct the Respondents to retain her at Secunderabad Station.

5. The Tribunal ordinarily will not interfere with the order of transfer unless it is established that there is some malafides or the transfer ^{is} ~~was~~ premature.

6. The transfer is an incidence of service. The applicant has cleverly not stated in her OA since how long she has been working at Secunderabad. No malafides have been attributed to any of the respondents for her transfer to Visakhapatnam. Though the respondent No.2 recommended the case of the applicant for the second time retention, it is for the respondent No.2 to consider her request having regard to the administrative exigencies. Mere rejection of the representation of the applicant cannot be attributed any malafides to Respondent No.1.

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7. The Respondents have considered once her request for retention and deferred her transfer till 31.10.97.

When the Respondents have considered her request, we do not think the rejection of her further request is either malafide or improper.

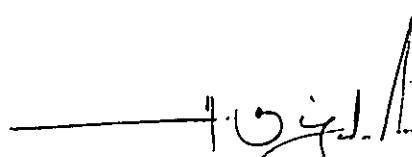
8. Hence we are not inclined to interfere with the transfer order Dt.28.2.97 or order Dt.4.11.97 passed by the Respondent-I.

9. In case, the applicant is not in a position to report for duties at Visakhapatnam on her health grounds she may submit an application for sanction of leave, which we feel, the respondents will consider the same as per rules.

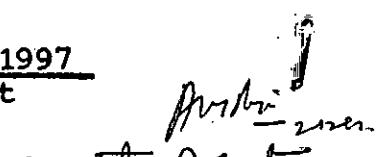
10. With these observations the O.A. is disposed of.
No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

28.11.97


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

Date: 28th November, 1997
Dictated in the open court


Deputy Registrar

KSM

O.A.1598/97.

To

1. The Chief Engineer(Southern Command)
Headquarters, Pune-1
2. The Chief Engineer(Airforce)
DC Area Zone, Bangalore.
3. The Commander Works Engineer(Air force)
Mudfort, Secunderabad.
4. One copy to Mr.L.Nanda Kishore, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT.Hyd.
6. One copy to HBSJP.M.(J) CAT.Hyd.
7. One copyto D.R.(A) CAT.Hyd.
8. One spare copy.

pvm.

~~09/12/97~~
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)
THE HON'BLE MR.B.S.JAI PARAMESWAR :M(C)

DATED:- 28/11/97

ORDER/JUDGMENT.

M.A.,/RA.,/C-A.No.,

in

O.A.No. 1598/97.

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.

केंद्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण/DESPATCH

- 5 DEC 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH