

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1625/97

Date of Order : 10.12.97

BETWEEN:

P.Appa Rao

.. Applicant.

AND

1. Flag Officer Commanding in Chief,
Eastern Naval Command, Visakhapatnam.

2. The General Manager, Naval Armament
Depot, Visakhapatnam.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.P.B.Vijaya Kumar

Counsel for the Respondents

.. Mr.N.R.Devraj

- - -

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

- - -

O R D E R

{ As per Hon'ble Shri R.Rangarajan, Member (Admn.) }

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Mr.P.B.Vijaya Kumar, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant in this OA is approaching this Tribunal for the third time in regard to his transfer from Industrial Section to Non-Industrial Section. The applicant is presently working as MT Driver in the Industrial Section under R-2. He is transferred to INS Sathavahana in the same capacity by the impugned movement order No.VAE/0178 (iii), dated 29.11.97 (A-3) and that was communicated to him by R-2 by the impugned order No. VAE/0178/1 dated 29.11.97 (A-1).

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3. This OA is filed for setting aside both the impugned orders dated 29.11.97 at Annexures-1 and 3 and for a consequential direction to retain him on the Industrial side till his retirement in terms of transfer policy published under Temporary Depot Order No.75/95 enclosed at page-15 to the OA.

4. The contention of the applicant is that he is to retire in July 1999 and that he has got less than two years of service and as per the Temporary Depot Order No.75/95 an official having less than 2 years of service should not be disturbed from the post which he is presently working at the time of his transfer. In his case he has got only 1 1/2 years of service and the transfer order issued dated 29.11.97 is in contravention of temporary depot order No.75/95 and that ^{transfer} order should not be implemented. He further submits that the present transfer order will put him in a serious financial position at the time of his retirement. It is also the contention of the applicant that the direction given in the earlier 2 OAs namely 1035/97 and 87/95 is not implemented fully by the respondents.

5. The learned counsel for the respondents submit that in order to have rotation between Industrial and Non-Industrial Sections the transfer order has been issued. Hence there may not be any irregularity in issue of this transfer order. The learned counsel for the respondents has also brought to our notice the letter of R-1 dated 25.11.97. It appears from this letter that the case has not been fully considered in accordance with the earlier judgement.

6. Be that as it may. This OA can be disposed of by directing the applicant to file a fresh representation taking all the contentions raised in this OA to R-1. If such a representation is received by R-1 then that representation

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should be disposed of in accordance with transfer policy laid down recently.

7. In the result, the following direction is given :-

The applicant if so advised may submit a detailed representation taking all available contentions to him including the contentions raised in this OA to R-1 for retaining him in the Industrial Section. If such a representation is received by R-1 within a period of 15 days from the date of receipt of a copy of this order then that representation should be disposed of expeditiously in any case within 45 days from the date of receipt of a copy of that representation.

8. It is stated that the applicant has not been relieved and none had joined vice him. If none is posted vice him then the applicant should be continued in the present post till such time his representation is disposed of as per the direction above. In case some one is posted vice him he should be granted leave if he applies for the same till the disposal of his representation.

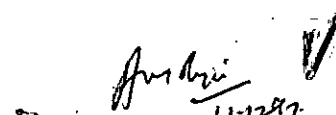
9. With the above direction the O.A. is disposed of at the admission stage itself. No costs.


(R. RANGARAJAN)
Member (Admn.)

Dated : 10th December, 1997

(Dictated in Open Court)

sd


D. R.

OA.1625/97

Copy to:-

1. The Flag Officer, Commanding in Chief, Eastern Naval Command, Visakhapatnam.
2. The General Manager, Naval Armament Depot, Visakhapatnam.
3. One copy to Mr. P.B. Vijaya Kumar, Advocate, CAT., Hyd.
4. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
5. One copy to D.R. (A), CAT., Hyd.
6. One duplicate.

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(6)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 10/12/97

ORDER/JUDGMENT

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

in

O.A. NO.

16.25/97

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

