

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.1723/97

dt.29-12-97

Between

Ram Kulkarni

: Applicant

and

1. Dy. Director

Subsidiary Intelligence Bureau
Min. of Home Affairs
Govt. of India
Hyderabad 500004

2. Jt. Director

Subsidiary Intelligence Bureau
Min. of Home Affairs
Govt. Of India
Hyderabad

3. Director

Intelligence Bureau
Min. of Home Affairs
Govt. of India
New Delhi

: Respondents

Counsel for the applicant

: D. Linga Rao
Advocate

Counsel for the respondents

: N.R. Devaraj
CGSC

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMIN.)

Order

Oral Order (per Hon. Mr. H. Rajendra Prasad, Member (Admn.))

Heard Mr. D. Linga Rao for the applicant and Mr. N.R. Devaraj for the respondents.

1. The applicant was initially posted in the North-East in 1993 and was later posted from Dibrugarh to Hyderabad in 1997. It is stated on behalf of the applicant that his posting to Hyderabad was under the provisions of incentives contained in Government of India, Ministry of Finance OM. 20014/3/03-E, IV dated 14-12-1997, wherein it is mentioned inter alia that officers on completion of their tenure in the North-Eastern Region may be considered for posting to a station of their choice as far as possible. It is the assertion of the applicant that he has been posted to 'Hyderabad station'. It is however, clarified by Mr. Devaraj that the expression 'Hyderabad' in the present context merely denotes 'Hyderabad Region' which has in it a number of stations throughout Andhra Pradesh. The posting from Dibrugarh 'region' to Hyderabad 'region' it is explained, was the preliminary step in the process of actual posting of the applicant. And this ^{next} step has now been taken by the Joint Director, SIB, Hyderabad, vide his order dated 3-9-97 in posting the applicant to a particular 'station', viz. Adilabad. Mr. N.R. Devaraj, further adds that the applicant, on allotment to Hyderabad Region was merely on hold in the regional directorate before he was eventually posted to Adilabad. The learned counsel mentions also that in posting him to Adilabad, they have taken care simultaneously to post his wife, who works in a ^{same} ~~similar~~ organisation, to the very same station.

i.e. Adilabad, and to that extent the guidelines issued by the Government regarding posting of a husband and his wife to the same station has been duly kept in view and complied with.

2. The applicant projects certain personal difficulties in carrying out the order of posting to Adilabad. Among other problems, the couple have a child who is less than one year old, and it is his main worry that Adilabad may not be congenial or very/conducive to the child in terms of climate etc.

3. According to Mr. Devaraj, the problems projected by the applicant have been duly considered by the Respondent-2 and 3 separately and successively, and though they are aware of the possible difficulties of the applicant, it has not been found administratively feasible to alter or amend the posting order already issued or to retain the applicant at Hyderabad. It was indicated that his request for reposting to Hyderabad will be considered at an appropriate juncture at a not-too-distant date, subject again to administrative exigencies, with sympathy.

4. The above position is noted and is regarded as sufficiently encouraging for the applicant who may make a representation if he chooses to do so, to the concerned authorities after he carries out the impugned order of transfer and posting. There can be little doubt that the problems and difficulties of the applicant shall be duly considered by the authorities with a view to providing him necessary relief at an appropriate time in a reasonably near future. The impugned order cannot, in the meanwhile, be set aside or interfered with.

5. Thus the OA is disposed of at the admission stage.

1.3.6.1
(R. Rajendra Prasad)
Member(Admn.)

Dated : December 29, 97
Dictated in open court

sk

A. M.
JN

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Copy to:

1. Dy. Director, Subsidiary Intelligence Bureau,
Min. of Home Affairs, Govt. of India,
Hyderabad.
2. Jt. Director, Subsidiary Intelligence Bureau,
Min. of Home Affairs, Govt. of India,
Hyderabad.
3. Director, Intelligence Bureau, Min. of Home Affairs,
Govt. of India, New Delhi.
4. One copy to Mr. D. Linga Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D. R. (A), CAT, Hyderabad.
7. One copy to duplicate.

YLKR

27/12/99
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I Court
CHECKED 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)

-1cc
DATED: 29 - 12 - 1999

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

in

O.A.No. 1723/99

T.A.No.

Q.W.P

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

