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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

D.A.No.723 OF 1999.

DATE OF ORDER:23-6-1999.

BETWEEN:

J.Srihari.

....Applicant

and

1. The Govt. of India, represented by its Secretary, Ministry of Defence, Southern Block, New Delhi.
2. The Engineer-in-Chief, Army Head Quarters, Kashmir House, Defence Head-quarters Post Office, New Delhi-11.
3. The Chief Engineer, Head-quarters, Southern Command, Pune, Maharashtra.
4. The Chief Engineer(Factory), Opp. Parade Ground, Secunderabad.
5. The Garrison Engineer, E/M, Mudfort, Secunderabad-500 003.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.P.Kishore Rao

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narasimha Sharma

CORAM:

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

: O R D E R :

ORAL ORDER(PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER(J))

Heard Mr.Phaniraj for Mr.P.Kishore Rao, learned Counsel for the Applicant and Mr.B.Narasimha Sharma, learned Standing Counsel for the Respondents.

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2. While the applicant was working as Superintendent E/M Grade-I in the office of the Chief Engineer(Factories), Hyderabad/Garrison Engineer, E/M, Secunderabad, was transferred by the impugned Order No.100112/1521/E1B(S), dated:28-4-1999 to Chief Engineer, R & D, Secunderabad, (Annexure.II, page.15 to the OA).

3. The applicant submits that there are clear guidelines regarding postings and transfers of the Staff working in various cadres under the jurisdiction of the Chief Engineer, Southern Command. He relies upon the instructions issued bearing No.132402/Policy/Genl/183 F1B(S), dated:27-12-1996, (Annexure-I, page.9 to the OA).

4. The applicant has filed this OA to call for the records relating to the said impugned proceedings No.100112/1521/E1B(S), dated:28-4-1999, issued by the 4th respondent, to quash or set aside the same, and for a consequential direction to the respondents to retain the applicant in the same post until the completion of the normal term of three years with all consequential benefits.

5. The main contention of the applicant is that he was transferred from the post which he is now holding prematurely and further he submits that he should have been permitted to continue in that post at least till the completion of the normal term of three years.



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6. Transfer is within the purview of the administration. The Court or the Tribunal cannot interfere in such matters. The applicant has been transferred from one unit to another unit in the same place. The applicant cannot have any grievance as there is no change in place. If he felt that he was to be retained in the same post as per the guidelines till the completion of three years, he should have submitted a representation to the higher authorities for consideration.

7. It is now submitted that the applicant has submitted a representation dated:5-5-1999, against the said transfer. It is for the respondent-authorities to take a decision.

8. In fact on 12-5-1999, I directed the respondent-authorities to consider his representation. It is not understood why the respondents have not taken any decision on the representation dated:5-5-1999 of the applicant till now.

9. Hence, the following directions are given:-

- a) The respondents shall consider the representation dated:5-5-1999 of the applicant within 15 days from the date of receipt of a copy of this Order;
- b) The Competent Authority shall also bear in mind the policy indicated in letter dated:27-12-1996, (Annexure.I, page.9 to the OA);
- c) Till such time, the Interim Order passed on 12-5-1999, shall be continued; and



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d) If the Competent Authority takes a decision adverse to the applicant then the applicant shall not be relieved from his present post till after the expiry of 15 days from the date of service of the decision on the applicant.

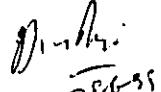
10. With the above directions, the OA is disposed of at the admission stage itself. No order as to costs.


23/6/9
(B.S.JAI PARAMESHWAR)
MEMBER (JUDL)

DATED: this the 23rd day of June, 1999

Dictated to steno in the Open Court

DSN


23/6/9

1ST AND 2ND COURT

COPY TO:-

1. HODN3
2. HHRP M(A)
3. HBSOP M(J)
4. D.R. (A)
5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NADIR
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD :
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR
MEMBER (J)

ORDER: 23.6.99

ORDER / JUDGEMENT

MA./BA./CP NO.

in

DA. NO. 723/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

O.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED

NO ORDER AS TO COSTS

SRR

केन्द्रीय अधारिक अधिकरण
Central Administrative Tribunal
मेष्ट / DESPATCH

-9 JUL 1999

हैदराबाद न्यायालय
HYDERABAD BENCH