

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.769/99

Date of Order:22.7.99

BETWEEN:

K.Radha Krishna Murthy ... Applicant.

AND

1. The Member(Development),
Postal Services Board,
Dak Bhavan, New Delhi.
2. The Chief Engineer,
Headquarters, Dept. of Posts,
Ministry of Communications,
Dak Bhavan, New Delhi.
3. The Chief Post Master General,
A.P.Circle Hyderabad.
4. The Chief Engineer,
Telecom Civil Wing, A.P.Zone,
Koti, Hyderabad.
5. The Superintending Engineer(Civil),
Headquarters, Postal Department,
of Posts, Dak Bhavan,
New Delhi.
6. K.A.S.Pillai. .. Respondents.

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Counsel for the Applicant Mr.V.Venkateswara Rao

Counsel for the Respondents .. Mr..V.Vinod Kumar

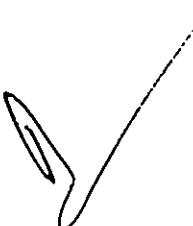
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CORAM :

HON'BLE JUSTICE SHRI D.H.NASIR : VICE CHAIRMAN

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

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O R D E R

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

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Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr.V.Vinod Kumar, learned standing counsel for the respondents.

W.L.O

2. The applicant in this OA is an Assistant Director (Building) under R-3. was transferred as Assistant Engineer (Civil), P.C.S.D., Tirupathi. One Sri Pillai who is R-6 in this OA was posted vice the applicant at Hyderabad. The contention of the applicant is that he belongs to Civil Wing of the department of Telecommunications and hence intra transfer from Postal to Telecommunications and vice-versa cannot be done by the Chief Engineer, Headquarters Civil i.e. R-2 herein.

3. This OA is filed to set aside the impugned transfer order and for a cosequential direction to retain him in the present post as A.D.(B) Hyderabad.

4. An interim order was passed in this OA on 25.5.99, Whereby that status-quo order was passed until the decision of the Member is conveyed to the representation, submitted by the applicant. It was that also directed the applicant is at liberty to move the Tribunal again for considering the legality



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of the order of the Member and with a view to enabling the applicant to move the Tribunal for that purpose, the order which may be passed by the Member shall not be enforced for a period of 2 weeks from the date of that order.

5. R-6 who is posted vice the applicant in Hyderabad had also filed OA.757/99 on the file of this Bench which was disposed of on 19.5.99 with a direction to the R-5 in that OA to take a final decision ~~on~~ the representation submitted by the applicant therein i.e. R-5 herein after consulting the required authorities and till such time reply is given to the applicant the impugned transfer order dated 3.5.99 which is challenged in this OA also should be kept in abeyance.

6. It is now brought to the notice of the Bench by the learned counsel for the applicant that R-6 has not been relieved. His representation has not been disposed of and in a similar case when a transfer ~~was~~ issued ~~for~~ one of the Assistant Engineers of the DOT ~~Chennai~~ from Mumbai to Chennai, the ~~2~~ Bench of this Tribunal had held that the issue of the order by the Chief Engineer is irregular and hence the impugned transfer order in that case was set aside. For this the applicant produced the letter No.4-13/99-CWP, dated 15.7.99 addressed to the Executive Engineer (C)

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Chennai by the Assistant Accounts Officer (CWP), New Delhi stating that the said transfer order from Mumbai should be kept back and that employee who was transferred from Mumbai to Chennai should be posted back to Mumbai in view of the C.A.T. (Chennai) Order. (The letter dated 5.7.99 is taken on record).

7. The learned counsel for the respondents submits that the R-6 had already been relieved and the said representation of the applicant is also been disposed of. He is not aware of the directions of Chennai Bench. Hence he submits that the OA has to be dismissed.

8. In view of the above details, the following direction is given :-

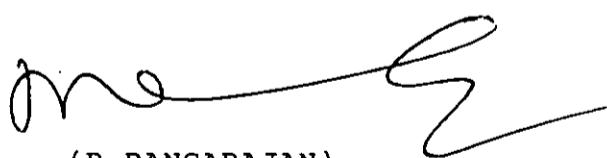
It is not known whether the competent authority namely R-2 has disposed of his representation probably ~~not~~ taking due note of the directions of the Chennai Bench of this Tribunal. It is not known yet who is the competent authority to issue intra transfer order for an Engineer in Civil wing of DOT. Hence we are not sure whether the disposal of his representation by R-2 is in order or not. Hence R-2 should examine his powers for the intra departmental transfer taking due note of the directions of the Chennai Bench of this Tribunal and pass a suitable order clarifying the point in regard to his competency to issue an intra

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transfer order. The case has to be reconsidered even if a reply to the applicant had already been issued. In the meantime the applicant should be allowed to continue as per the status-quo interim order issued on 25.5.99. As it is stated that Shri Pillai who is the reliever already been relieved, the applicant cannot be allowed to continue, as a berth has to be found for Shri Pillai. Hence if Shri Pillai has not been relieved already from his post the applicant should be continued in the present post which is holding. If Shri Pillai has been relieved and he joins vice the applicant herein the applicant should give way for assumption of duties by Shri Pillai. In that circumstances the applicant if he applies for leave the same should be granted till his representation is reconsidered in pursuance of the direction as above.

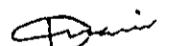
9. With the above direction the OA is disposed of.

No costs.



(R. RANGARAJAN)

Member (Admn.)



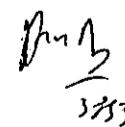
(D.H. NASIR)

Vice-Chairman

Dated : 22nd July, 1999

(Dictated in Open Court)

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Muray
1st AND 2nd COURT

COPY TO:-

- 1. HON'BLE
- 2. H.R.P. M(A)
- 3. H.C.S.P. 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. NASIR
VICE - CHAIRMAN

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

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMIN)

THE HON'BLE MR. D.S. JAI P. PARAMESHWAR
MEMBER (JUD)

ORDER, Date. 24/7/99

ORDER / JUDGMENT

MA. / PA. / CP. NO

IN
DA. NO. 769/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

केन्द्रीय प्रशासनिक बघिकरण
Central Administrative Tribunal
मेप्प / DESPATCH

5 AUG 1999

हैदराबाद न्यायालय
HYDERABAD BENCH