

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 607/99

Date of Order : 22.4.99

BETWEEN :

D.V.KrishnamRaju

.. Applicant.

AND

1. The Chief Engineer (C) Telecom,  
A.P.Civil Zone, 5-1-885, Kothi,  
Hyderabad.
2. The Deputy Director General  
(Building Works) O/o.The Department  
of Telecommunication, Sanchar Bhavan,  
New Delhi.
3. Sri M.Ghouse Basha
4. B.V.S.Murthy

.. Respondents.

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Counsel for the Applicant

.. Mr.K.Venkateswara Rao

Counsel for the Respondents

.. Mr.B.N.Sharma

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CORAM :

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

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

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O R D E R

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

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Mr.K.Venkateswara Rao, learned counsel for the  
applicant and Mr.M.C.Jacob for Mr.B.N.Sharma, learned  
standing counsel for the respondents.

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2. The applicant in this OA was transferred to Vijayawada by the impugned order No.4-2/99/CEAP/56 dated 9.4.99 (A-1).

3. This OA is filed to set aside the <sup>transfer</sup>impugned order dated 19.4.99 issued by R-1 and for a consequential direction to retain the applicant at Hyderabad.

4. The main contentions of the applicant ~~are~~ as follows:

(a) Sri B.V.S.Murthy (R-4) ~~who~~ was posted vice R-3 as ASWC in the office of Chief Engineer, Hyderabad and R-3 was posted vice the applicant and the applicant was posted to Vijayawada. This sort of roundabout transfer is not necessary. Either R-3 could have been posted directly to Vijayawada, even otherwise R-4 was first posted to Vijayawada and there <sup>was</sup> ~~is~~ no necessity for bringing him to Hyderabad <sup>chain</sup> thereby ordering <sup>chain</sup> transfer order.

(b) The applicant further submits that the health of his wife needs attention in Hyderabad and transferring him to Vijayawada will cause hardship to him, as experienced doctors are not available to look after his wife at Vijayawada.

5. The respondents submit that R-3 was transferred from the Northern States i.e. from Agartala to Hyderabad and he has to be posted at the place of his choice, hence he has been posted to Hyderabad. When he was posted to Hyderabad <sup>refers</sup>

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initially he was posted to Vijayawada but he represented for posting him to Hyderabad and that was considered which resulted in transferring the applicant to Vijayawada. The applicant was transferred to Vijayawada as he has completed his tenure in Hyderabad and he is working in Hyderabad right from 1980 onwards. <sup>had</sup> Whereas R-3 ~~was~~ come to Hyderabad only in 1996 and hence the transfer of the applicant cannot be questioned. Moreover the respondents considered the representation of R-4 to bring him to Hyderabad from Vijayawada and that was accepted for certain reasons stated in his representation.

6. The transfers are administrative matters. Unless malafides are attributed to the transfer orders, the transfer orders cannot be set aside. We do not find any valid reasons imputing motive to the change of posting order of BVS. Murthy and bringing him back to Hyderabad. We do not find any malafide reason in transferring the applicant to Vijayawada. The applicant was transferred as his tenure in Hyderabad <sup>was</sup> ~~is~~ a long one and on that consideration he was transferred. However the applicant submits that he will be put to inconvenience because of his wife's health if he is posted at Vijayawada. ~~That~~ request needs some human consideration.

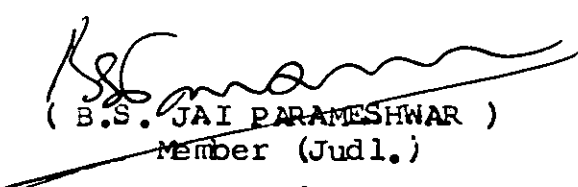
7. In view of the above the following direction is given:-




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The impugned transfer order dated 19.4.99 transferring the applicant to Vijayawada stands. However, the applicant should be brought to Hyderabad in the next vacancy that arise<sup>s</sup> at Hyderabad if anybody ha<sup>s</sup> not registered for coming to Hyderabad already. If somebody ha<sup>s</sup> registered for coming to Hyderabad the name of the applicant <sup>shall</sup> ~~should~~ be registered <sup>an</sup> at appropriate place and action ~~should~~ be taken to bring him to Hyderabad as and when his turn comes.

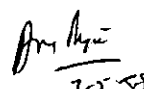
8. The OA is ordered accordingly. No costs.

  
( B.S. JAI PARAMESHWAR )  
Member (Judl.)

  
( R. RANGARAJAN )  
Member (Admn.)

22.4.99 Dated : 22nd April, 1999

( Dictated in Open Court )

  
J. S. S.

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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 (A)

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

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

DATED: 22-4-88

ORDER / JUDGEMENT

MA./R.A./C.P.No.

IN

O.A. No. 607/88

ADMITTED AND INTERIM DIRECTIONS.  
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH DESPATCH

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

SRR



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