

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A.No.685 OF 1999.

DATE OF ORDER:3-6-1999.

BETWEEN:

S.Nageshwara Rao.

....Applicant

and

1. Union of India, rep. by the
General Manager, Canteen Stores
Department, (Ministry of Defence-Civil),
"ADEPHI", Maharshi Karve Road,
Mumbai-400 020.

2. The Area Manager, Canteen Stores Department,
(Ministry of Defence-Civil), R.A., Lines,
Tirumulgherry, Secunderabad-500 015.A.P.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.Y.Appala Raju

COUNSEL FOR THE RESPONDENTS: Mr.V.Rajeshwara Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER(ADMN)

AND

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

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER(A))

Heard Mr.Y.Appala Raju, learned Counsel for the
Applicant and Mr.V.Rajeshwar Rao, learned Standing
Counsel for the Respondents.

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2. The applicant in this OA was transferred by the impugned Order No. 3/Pers/A-2/1284(SBD), dated:2-9-1998, from Secunderabad to H.O. Administrative Branch, Mumbai. Against that Order, the applicant filed OA.No.1201 of 1998 on the file of this Bench, which was disposed of on 5-10-1998. That OA was disposed of with a direction to the Respondent No.1 as follows:-

"This OA is disposed of with a direction to the 1st Respondent to consider the applicant's case sympathetically and a representation to that effect being made by the applicant shall be disposed of by the 1st Respondent within 2 months from the date of receipt of copy of this order. It is ordered and directed that till the disposal of representation, the interim order withholding the transfer order shall continue to remain in force. However, the same shall be subject to the decision taken by 1st Respondent after considering the representation made by the applicant and in any case during the pendency of the current year the applicant shall not be subjected to transfer from Hyderabad to any other place."

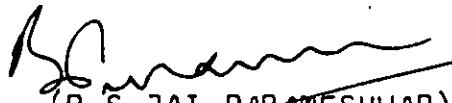
3. In pursuance of the above direction the respondent-authorities had given a reply bearing Ref.No.3/Pers/A-2/PN.5326/426, dated:22-1-1999, (Annexure.II, page.10 to the OA), to him which is impugned in this OA. The applicant submits that he should be continued in the present post at Secunderabad.

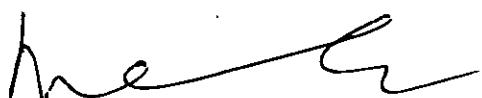
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4. Notice was issued in this OA on 29-4-1999. Even today, no reply has been filed and the learned Counsel for the Respondents requests time. We do not think it is a fit case for adjournment. The impugned reply dated:22-1-1999, is very ^{no} ~~in~~coious, which says that he was transferred on administrative convenience consequent to the investigation. How far that investigation ~~was~~ ^{be} going to ~~be~~ hampered by the presence of the applicant at Secunderabad should have been conveyed in that reply precisely. But the reply given appears to us that the administration is not transparent in their action. Hence, we have no other alternative except to set aside the impugned order No.3/Pers/A-2/PN.5326/426, dated:22-1-1999, and direct the Respondent No.1 to dispose of the representation of the applicant in accordance with the law by a suitable order indicating the reasons for his transfer on administrative grounds. The applicant should not be relieved till the above direction is complied with.

5. With the above direction, the OA is disposed of, at the admission stage itself.
/No costs.


B.S.JAI PARAMESHWAR
MEMBER (JUDL)
3/6/99


(R.RANGARAJAN)
MEMBER (ADMN)

DATED: this the 3rd day of June, 1999
Dictated to steno in the Open Court

DSN

Adm:
86-pp.

1ST AND 2ND COURT

COPY TO:-

1. HDHNJ
2. HHRP M(A)
3. HBSJP 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 (A)

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

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

ORDER: 3699

ORDER / JUDGEMENT

MA./RA./CP No-

in
DA. No. 685/99

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 CP.

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