

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.87/99

dt.13-1-99

Between

C. Dattareya Sharma : Applicant

and

1. Asstt. Engr. (Open lines)  
BG SC Rly., Tandur  
Dist. Ranga Reddy

2. Divnl. Engr. (West) BG  
SC Rly. BG., III Floor  
SanchalanBhavan  
Secunderabad 371

3. Sr.Divnl. Engr(Coord)  
SC Rly, BG III Floor,  
Sanchalan Bhavan  
Secunderabad

4. Sr. Divnl. Personnel Officer  
SC Rly., BG, SanchalanBhavan  
Secunderabad

: Respondents

Counsel for the applicant : S. Ramakrishna Rao  
Advocate

Counsel for the respondents : N.R. Devaraj  
SC for Rlys.

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)



## Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Mr. S. Ramakrishna Rao for the applicant and Mr. N.R. Devaraj for the respondents.

1. The applicant who was a Junior Clerk appointed initially on compassionate ground was posted under AEN, Ramagundam with effect from 17-3-1986. He was transferred to Section Engineer, P.W. Office during the year 1988 and worked there upto 1993. Thereafter he was transferred to Parli-Vijnath and served there for about 5 years. He submits that his children had been admitted in Andhra Pradesh schools and hence he requested for transfer to any place viz. Lingampalli, Tandur, and Sedam. His request was considered and he was posted under AEN/ PW Sedam by office order dated 5-1-1998, and he joined at Sedam on 29-1-1998. He is working there from that day onwards.

2. When the matters stood thus, the applicant was transferred by the impugned office order No.CP.121/P.10/Engg./Jr. Clerks/II dated 17-12-1998 (Annex.I) in the same capacity to Madhira to work under Section Engineer/W/Madhira.

2. This OA is filed for setting aside the impugned transfer order dated 17-12-1998 of Respondent-4 and for consequential direction to the respondents to continue him in his present place till he completes his tenure with all consequential benefits.

3. The main contention of the applicant is that one Gangman by name Ammana Sastry was doing some clerical work before he joined Sedam. That gangman is interfering with his work by



allowing him to perform Clerical work even after the applicant had joined at Sedam. Probably there may be some nexus between the Gangman and the AEN which could have been the cause for his transfer to Madhira. The applicant had not enclosed any details to prove his allegations. Even the said Ammana Sastry or the AEN has not been impled as private respondents in this OA. Hence, the allegation as above cannot be taken for grant of any relief on that basis.

4. The applicant now submits that he is prepared to carry out his transfer to Madhira after scholastic session is over i.e. after the end of April, 1999. He has also submitted a representation addressed to Respondent-3 for cancellation of the transfer order as his children are studying at Sedam. It is stated that the said application is still pending.

5. The learned counsel for the respondents submits that the applicant was transferred by the impugned order dated 17-12-1998 only for six months as temporary measure probably to carry out some work at Madhira. If so whether the applicant is eligible for transfer benefits or not is to be indicated clearly in the Transfer order, <sup>in the transfer order</sup> ~~necessity of it is stated~~ <sup>it is stated</sup> saying that the transfer benefits will be given as per extant instructions. Hence, the transfer order itself is not very happily worded.

6. In the above circumstances the following direction is given :

Respondent-3 should dispose of the representation of the applicant dated 17-12-1998 enclosed as Annx.V to the OA in accordance with law after examining the necessity for



issue of the impugned transfer order. Till such time a reply is given to the applicant the impugned transfer order dated 17-12-1998 should be kept in abeyance if he is not already relieved.

7. The OA is ordered accordingly at the admission stage itself. (Registry should enclose a copy of the OA along with the judgement to Respondent-3). *No costs.*

*R. Rangarajan*  
(R. Rangarajan)  
Member (Admn.)

Dated : January 13, 99  
Dictated in Open Court

*Amul*  
14-1-99.

sk

COPY TO:-

1. HDHN 3
2. HHRP M(A)
3. HRSJP M(J)
4. D.R.(A)
5. SPARE

cc - Today 13/1/99  
1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN 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: 13/1/99

ORDER/JUDGMENT

M.A./P.A./C.P.NO.

In  
D.A. NO. 87/99

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

2 copies

SRR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
द्वारा / DESPATCH

27 JAN 1999

हैदराबाद न्यायपीठ  
HYDERABAD BENCH