

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.No.888/99

Date of order: 25.11.99

Between:

- | | |
|-----------------------------|------------------|
| 1. Bora Narasinga Rao | 7. G.Gurunath |
| 2. G.Paradesi | 8. D.S.N.Raju |
| 3. P.Ganapati Rao | 9. B.Kanaka Raju |
| 4. N.Appa Rao | 10. K.Babji |
| 5. D.Kata Raju | 11. S.R.Raju |
| 6. John Willam Adams (MTDT) |Applicants |

And

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|--|-----------------|
| 1. Flag Officer Commanding-in-Chief,
HQrs, Eastern Naval Command,
Visakhapatnam. | |
| 2. Chief Staff Officer (P & A),
HQrs, Eastern Naval Command,
Visakhapatnam. |Respondents |

Counsel for the Applicants - Mr.K.Sudhakar Reddy, Advocate

Counsel for the Respondents - Mr.B.Narasimha Sharma, Sr.CGSC

CORAM:

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

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Order

Heard the learned counsel Mr.K.Sudhakar Reddy for the applicants and the learned standing counsel Mr.M.C.Jacob for Mr.B.Narasimha Sharma for the Respondents.

2. The main question which is agitated in this OA relates to transfer of the applicants from Industrial Establishments to Non-Industrial Establishments under Eastern Naval Command, Visakhapatnam. It emerges from the submissions made by the rival parties that ordinarily no junior would be transferred from Industrial Establishment to Non-Industrial Establishment

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so long as his senior is not so transferred to Non-Industrial Establishment. The learned counsel for the applicant Mr. Sudhakar Reddy therefore submits that the applicants are not liable to be transferred to Non-Industrial Establishment as their seniors are continuing in Industrial Establishments.

3. The learned standing counsel Mr. M.C. Jacob submits that these transfers are effected in the interest of the workers only, in view of the fact that the benefit of over-time allowance is not available to Non-Industrial Establishments whereas such allowances are available in Industrial Establishments. It is therefore necessary according to Mr. Jacob that the Union representing the staff members should sit with the authorities concerned and thrash out as to what policy should be enforced so as to ensure that everyone concerned gets equitable treatment with regard to over-time allowance.

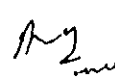
4. This OA is therefore disposed of with a direction to the Respondent no.1 to call the representatives of the Union in which the present applicants are members and thrash out this question once and for all equitably in the common interest of every one concerned. The said exercise shall be carried out by the Respondent no.1 within two months from the date of receipt of a copy of this order. Till such time the impugned order of transfer shall not be enforced.

5. The OA is disposed of accordingly. No costs.


(Justice D.H. Nasir)
Vice-Chairman

Dated: 25th November, 1999
(Order dictated in open court)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH.
HYDERABAD.

1ST AND 2ND COURT

COPY TO.

1. HDHND
2. HRRN M (ADMN)
3. HBSOP.M. (JUDL)
4. D.R. (ADMN)
5. SPARE
6. ADV CATE
7. STANDING COUNSEL

TYPED BY _____ CHECKED BY _____
COMPILED BY _____ APPROVED BY _____

THE HON'BLE MR. JUSTICE DH. NASIR
VICE-CHAIRMAN

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

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

DATE OF ORDER 25/11/99

MA/RA/CP. NO.

IN

CA. NO. 888/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

Central Administrative Tribunal
प्रेषण / DESPATCH

-7 DEC ...)

हैदराबाद न्यायपीठ
HYDERABAD BENCH