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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1105/99

dt.28-7-99

Between

Harish Chander : Applicant

and

1. DirectorGeneral  
Geological Survey of India  
27, JL Nehru Road  
Calcutta 700016

2. Secretary  
Min. of Mines  
Sastry Bhavan  
New Delhi 110001

3. Sr. Dy. Director General  
Geological Survey of India  
Southern Region  
Banglaguda  
Hyderabad 500068

: Respondents

Counsel for the applicant

: GVRS Vara Prasidh  
Advocate

Counsel for the respondents

: B. Narasimha Sarma  
Sr. CGSC

Coram

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

Hon. Mr. B.S. Jai Parameshwar, Member (Jud1)

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## Order

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

Heard Mr. GVRS Vara Prasad, learned counsel for the applicant and Mr. M.C. Jacob for Mr. B. Narasimha Sharma learned counsel for the respondents.

1. The applicant by the impugned transfer order No.1557-B/70/HRD/STS/ME/99/20 dated 16-6-1999 (Annex.A) was transferred to Coal Wing, Calcutta with effect from 15-7-1999 in the public interest from Hyderabad as Mechanical Engineer (Senior).
2. This OA is filed challenging the above transfer order and consequently to retain him at Hyderabad.
3. The applicant has made <sup>the following</sup> two contentions. They are :
  - i) His wife is working in Income Tax department and hence both the spouses <sup>in</sup> ~~are~~ <sup>should be</sup> allowed to work in the same place. By transfer he will suffer as his wife is working in Income tax ~~dept~~ and so cannot be transferred to Calcutta.
  - ii) The applicant submits that <sup>transfer of</sup> one Sri R. Jagannadhan who was transferred to Bangalore by the same impugned order was kept in abeyance granting him three months time to carry out transfer. The reliever of the applicant who is posted to Hyderabad as Senior Mechanical Engineer was also <sup>granted</sup> ~~in~~ time to carry out transfer
  - iii) The applicant is a heart patient and transferring him to Calcutta is injurious to his health.
  - iv) His children are studying, and transfer at this juncture will affect the studies of his children.
4. Transfer is an incidence of service. Unless malafides are attributed <sup>the</sup> Court or Tribunal normally ~~does not~~ <sup>interferes</sup> with

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transfers. There are no malafides attributed to any of the respondents. However, the applicant had submitted his representation dated 23-6-1999 (Annex.B) addressed to the Respondent No.2 for reconsideration of transfer order. It is stated that the said representation is still to be disposed of.

5. In the above facts and circumstances of the case, the following direction is given :

Respondent No.2 should dispose of his representation dated 23-6-1999. Till such time the applicant should be allowed to continue in Hyderabad in the same capacity. Even if he is relieved from the post and if the post is vacant he should be put back to duty. If there are no posts and Mr. Mishra, GK joins at Hyderabad, the applicant should be <sup>sanctioned</sup> given leave till such time his representation dated 23-6-1999 is disposed of.

6. The OA is ordered accordingly at the admission stage itself. No costs.

  
 B.S. Jai Parameshwar  
 Member (Judl.)  
 28.7.99

  
 R. Rangarajan  
 Member (Admn.)

Dated : July 28, 1999  
 Dictated in Open Court

1st AND 1<sup>st</sup> COURT.

COPY TO -

- 1. HONJ
- 2. HHRP M(A)
- 3. HESJP 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 ( ADMN )

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

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

ORDER: Date. 28/7/99

~~ORDER / JUDGMENT~~

MA./RA./CP.NO  
IN  
DA.NO. 1105/99

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 COSTS.~~

