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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

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O.A.No.279/99.

DT. Of Decision : 22-09-99.

D.Ramesh Kumar

.. Applicant.

Vs

1. The General Manager,  
Canteen Stores Department,  
Adelphi-119, Maharshi Karve Road,  
Mumbai-400 020.

2. The Area Manager,  
Canteen Stores Department,  
Sec'bad Depot, R.A.Lines,  
Trimulghery, Sec'bad.

.. Respondents.

Counsel for the applicant : Mr.K.Venkateswara Rao

Counsel for the respondents : Mr.P.Phalguna Rao, Addl. CGSC.

CORAM:-

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

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

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ORDER

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

Heard Mr.K.Venkateswara Rao, learned counsel for the applicant and Mr.P.Phalguna Rao, learned counsel for the respondents.

2. The applicant in this OA is a Watchman under the Respondent No.2. He was transferred to Mumbai by the impugned order No.Ref.No.3/Pers/A-2/1284(SBD) dated 03-09-98 (Annexure-II). Earlier the applicant filed OA.1243/98 on the file of this Bench challenging the transfer order. That OA was disposed of by order dated 29-09-98 (Annexure-IV) directing the first respondent to dispose of his representation. In pursuance of the above direction the R-2 passed the impugned No.3/Pers/A-2/PN 5203/427 dated 22-01-99 (Annexure-I) stating that "ordered on Administration convenience consequent on an investigation and further the respondent also stated in that impugned letter that he is





liable for All India transfer and hence he cannot resist against the transfer posting him at Mumbai as per the transfer order dated 3-9-98.

3. This OA is filed to set aside the impugned order No.3/Pers/A-2/PN 5203/427 dated 22-01-99 (Annexure-I) and for a consequential declaration that the applicant is entitled to continue in Secunderabad.

4. A reply has been filed in this OA. The main contention<sup>is</sup> in the respondents in the OA is that the applicant was transferred on the basis of the investigation conducted in regard to certain charges. In the first instance the said investigation reveals that the applicant is responsible. It is also stated in the reply that<sup>as</sup> the applicant is having All India liability transfer he cannot questioning<sup>L</sup> the transfer to Mumbai and hence the OA has to be dismissed.

5. To-day when the OA was taken up for consideration we enquired from the learned counsel for the respondents whether the reported second investigation was over and if so what results. The learned counsel for the respondents submitted on his instruction from his client ~~submitted~~ that the second investigation is over but it is learnt that the investigation <sup>revealed that the applicant was</sup> ~~proved him~~ not found involved.

6. No doubts that the Central Government servant is liable for transfer All India basis if the seniority unit is on the All India basis. But transfer <sup>though</sup> ~~do~~ not a punishment causes lot of inconvenience due to unsettling of the settled position and also causing lot of expenditure and other attendant difficulties. Even the Senior Officers of the Central Government are not very happy to get transfer<sup>ed</sup> frequently. The applicant herein is a Class-IV Watchman. Hence transferring him to Mumbai <sup>which</sup> ~~is~~ is a very costly <sup>place</sup> ~~place~~ and will definitely cause him lot of financial problem, if posted to Mumbai. Further availability of house if Government accommodation is not available is going to cause<sup>a</sup> lot of problem to the applicant herein. Considering the above, we are of the opinion that a little bit lenient view has to be taken.

7. As stated earlier it is likely that the second investigation charges may prove that he may not liable for the charges leveled against him. Under the circumstances it is

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necessary that reconsideration of the transfer order of the applicant is necessary and in any case posting him at Bombay is not a proper transfer in this connection.

8. In view of the above the following direction is given:-  
*the transfer order to Mumbai is hereby set aside.*  
 The respondents should reconsider the issue of posting him anywhere in AP if he cannot be retained at Sec'bad even after the completion of the second investigation in this case.
9. With the above order the OA is disposed of. No costs.

*B. S. Jai Parameshwar*  
 (B.S. JAI PARAMESHWAR)  
 MEMBER (J.L.)

*R. Rangarajan*  
 (R. RANGARAJAN)  
 MEMBER (ADMN.)

*22.9.99*  
 Dated : The 22<sup>nd</sup> September, 1999.  
 (Dictated in the Open Court)

*R. S. J. Per.*

SPR