

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA/021/463/2018

Date of Order: 29.08.2018

Between:

J. Santhamoorthy,
S/o. Late J. Chinthalarayudu,
Aged about 55 years,
Occ: Junior Works Manager Gr. 'C',
O/o. Ordnance Factory Medak,
Yeddumailaram,
Medak, Medak District.

... Applicant

AND

1. Union of India rep. by its
Secretary,
Ministry of Defence,
New Delhi.
2. Ordnance Factory Board rep. by its
Director General, Ordnance Factories,
Ayudh Bhavan, 10-A,
Shahid Kudiram Bose Road,
Kolkata – 700 001.
3. The Senior General manager,
Ordnance Factory Medak,
Yeddumailaram,
Sangareddy District.

... Respondents

Counsel for the Applicant : Dr. A. Raghu Kumar

Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDL. MEMBER
THE HON'BLE MRS. NAINI JAYASEELAN, ADMN. MEMBER

ORAL ORDER

{ Per Hon'ble Mr. Justice R. Kantha Rao, Judl. Member }

Heard Dr. A. Raghu Kumar, learned counsel appearing for the Applicant and Shri K. Laxman representing Smt. K. Rajitha, learned Senior Central Govt. Standing Counsel appearing for the Respondents.

2. The O.A. is filed to set aside the transfer order dated 3.10.2017 and not to relieve the Applicant from the station in which he was working before transfer.

3. At the time of admitting the O.A, the learned counsel appearing for the Applicant and the learned Standing Counsel appearing for the Respondents were heard on the issue of granting interim order by way of suspending the transfer order. But the Tribunal did not pass any order granting interim relief. Thereafter, the Applicant in compliance of the transfer order passed by the Respondents, got himself relieved from the previous station and joined in the new station and is now working there. The learned Counsel appearing for the Applicant submits that the O.A. itself can be disposed of enabling the Applicant to make a representation to the Respondents on the grounds urged in the Original Application and also setting forth certain hardship which is being caused to him on account of the transfer.

4. The Respondents however contended in their reply statement that the

transfer is in accordance with the guidelines under the new policy and the Applicant who gave consent at the time of appointment for his posting anywhere in India cannot object to the said transfer.

5. However, in view of the submission made by the learned counsel appearing for the Applicant, we are not inclined to strictly examine the transfer policy whereunder the Applicant was subjected to transfer. However, on perusal of the pleadings of the parties and also basing on the submissions made by the learned counsel appearing for the Applicant, we noticed certain grievances set forth by the Applicant for claiming relief prayed for in the O.A.

6. No doubt, as per the transfer policy, a person who has standing of 10 years at a particular station, is liable for transfer. The grievance of the Applicant is that the department did not properly examine the condition of each officer while effecting transfer and about 15 officers, who overstayed beyond the tenure of 10 years and senior to him, have not been transferred. It is also submitted by the Applicant that the department considered the request of several officers who were transferred but did not consider his request though he has school going children of 15 years & 11 years. There are some other compelling reasons for the Applicant requiring his stay at his previous station which the Applicant would furnish in the representation that he is going to submit to the Respondents.

7. Having regard to the submission made on behalf of the Applicant, we are not going into the merits of the O.A. The Applicant who joined at new station is at liberty to submit a fresh representation setting forth all his grievances and difficulties within a period of 15 days of receipt of this order

and on receiving such representation, the Respondents are directed to re-consider the case of the Applicant and pass appropriate orders within a period of four weeks thereafter. Accordingly, the O.A. is disposed of. No order as to costs.

(NAINI JAYASEELAN)
ADMN. MEMBER

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

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