

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/021/512/2018
Date of Order : 08-06-2018

Between :

D.Sadanandam S/o D.Linaiah, Gr.'B',
Aged about 49 years,
Occ: Junior Works Manager,
Ordnance Factory Medak,
Yeddumailaram, Sangareddy District.

....Applicant

AND

1. Union of India rep by its Secretary,
Ministry of Defence, Sena Bhavan,
New Delhi.
2. Ordnance Factory Board, rep by its
Chairman and Director General,
Ministry of Defence, Ayudh Bhavan,
No.10A, S.K Bose Road, Kolkata-700001.

3. The Senior General Manager,
Ordnance Factory Medak,
Yeddumailaram, Sangareddy District-502205.

...Respondents

Counsel for the Applicant: Mr. A Raghu Kumar

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

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER

(Oral order per Hon'ble Mr.Justice R.Kantha Rao, Judicial Member)

Heard Dr. A. Raghu Kumar, learned counsel appearing for the
applicant and Mrs. K. Rajitha, learned Sr Central Government Standing
Counsel for Respondents.

2. The impugned letter No.217, dated 05.06.2018 proposing the

applicant to relieve by 09.06.2018 is challenged in this OA. According to the applicant, the impugned letter dated 05.06.2018 was issued in pursuance of the Transfer Order dated 01.12.2016. Though Mrs.K.Rajitha, learned Senior Central Govt., Standing Counsel appearing for the Respondents contends that the Transfer Order was issued under new transfer guidelines, no document was produced by the Respondents showing that the transfer was affected under the new Transfer Guidelines. In this context, it is required to be mentioned that aggrieved by the Transfer Order dated 01.12.2016, 32 employees who were affected by the similar orders, filed OA No.1203/2016 before the Tribunal. The Tribunal disposed of the said OA directing the Respondents to consider the cases of the applicants therein along with all other persons afresh, in terms of the new Transfer Policy dated 05.06.2017. Though the applicant was not a party to the earlier OA, the order passed by the Tribunal dated 02.08.2017 is applicable to all the employees who were affected by the Transfer order dated 01.12.2016. The main contention of the learned counsel appearing for the applicant is that by virtue of the order passed by the Tribunal in the earlier OA, the Respondents can no longer rely on the Transfer Order dated 01.12.2016 since it became inoperative. Obviously the case of the applicant was not considered in the light of the new Transfer Policy dated 05.06.2017. It appears that the Respondents have given effect to the Transfer Order dated 01.12.2016 for issuing the letter impugned in the present OA. Since all the cases of the similarly situated are to be dealt with under the new Transfer Policy, the Transfer Order dated 01.12.2016 cannot be given effect to as it became extinct.

3. For the forgoing reasons, the Office Order No.18/16-17 in Lr. No. JTR/Per/NG/2016-17, dated 01.12.2016, Lr. No. JTR-60/SC(Jan-18)Per/NG/2016-17, dated 09.03.2018, Lr. No. 02/04/GB/Estt, dated 04.06.2018 and Lr. No. 217, dated 05.06.2018 are set aside and the applicant shall not be relieved from his present post. However, the Respondents, if so desire, can consider the case of the applicant for transfer along with the other employees similarly situated in the light of the new Transfer Policy.

4. The Original Application is accordingly disposed of.

5. No order as to costs.

(R.KANTHA RAO)
JUDICIAL MEMBER

Dated : 08th June, 2018.
Dictated in Open Court.

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