

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.21/828/2019

Date of Order: 16.09.2019

Between:

M.K. Sarma, S/o. M. Suryanarayana Murthy,
Aged 51 years, Occupation: Assistant Engineer (Civil),
Central Public Works Department, Gr. B,
R/o. Plot No. 128, Sai Vighneswara Apartments,
302, Matrusri Nagar, Miyapur, Hyderabad – 500 049.

... Applicant

And

1. The Union of India,
Rep. by its Director General,
Central Public Works Department,
New Delhi.
2. Special Director General (SR),
Central Public Works Department,
Rajaji Bhavan, Basant Nagar,
Chennai – 600 090.
3. Executive Engineer (Coord.),
O/o. Special Director General (SR),
Central Public Works Department,
Rajaji Bhavan, Basant Nagar,
Chennai – 600 090.
4. Superintending Engineer,
(Planning cum HCC II), CPWD,
Koti, Hyderabad.

... Respondents

Counsel for the Applicant ... Mrs. A. Anasuya

Counsel for the Respondents ... Mr. G. Rajesham, Addl. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORDER
{As per B.V. Sudhakar, Member (Admn.)}

2. OA is filed questioning the transfer of the applicant from Hyderabad to Surathkal, Karnataka.

3. Brief facts of the case are that the applicant who is physically challenged was appointed as Junior Engineer on 17.12.1992 by the respondents and posted at Siliguri, West Bengal. Thereafter, applicant has worked at Hyderabad, Yanam, Vijayawada and Visakhapatnam during different stages of his career. Recently, applicant was transferred to Surathkal, Karnataka, which is at a distance of 1500 KM away from his native place i.e. Rajahmundry, vide impugned order dt. 19.02.2019. Applicant has represented to retain him at Hyderabad or at any of the places near to his native place. But, the same has not been considered by the respondents and therefore, the OA.

4. Contentions of the applicant are that he is not against the order of transfer, but he is seeking transfer to a place where he would be able to perform his duties properly, given his physical state. DOPT OM 10.05.1990 and 13.02.2002 provide for certain relaxations in transferring the physically challenged employees. Besides, he is also covered under the Rights of Persons with Disabilities Act, 2016.

5. Heard both the counsel and perused the pleadings on record.

6. Applicant is a physically challenged employee with no vision in the right eye. Applicant has worked in different stations from the date of his appointment like Hyderabad, Vijayawada, Visakhapatnam, Siliguri, etc. DOPT OMs cited do contain guidelines, wherein it is stated that physically challenged employees should generally be exempted from rotational transfer/ tenure transfers and have to be posted at a place near to native place, which is Rajahmundry, in the instant case. By the impugned order dt. 19.02.2019, applicant has been posted to Surathkal, Karnataka, which is around 1500 KM away from his native place. Applicant has requested that he may be posted at any of the locations viz., Warangal, Amaravathi, Dharwad, Vijayawada or any other place in the States of Andhra Pradesh and Telangana. Applicant has represented to the respondents on 07.05.2019. Learned counsel for the applicant has submitted that his representation has not been disposed. Learned counsel for the respondents stated that the respondents can be directed to dispose of the representation as per the prevalent rules and regulations.

7. In view of the above, respondents are directed to dispose of the representation of the applicant dated 07.05.2019 keeping the DOPT OMs cited supra and the provisions of the Rights of Persons with Disabilities Act, 2016, in view, and issue a speaking and reasoned order, within a period of 8 weeks from the date of receipt of this order. Till the disposal of the representation, applicant shall be allowed to continue in the post in which he is presently working.

With the above directions, OA is disposed of, with the concurrence of both sides counsel, at the admission stage itself. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 16th day of September, 2019

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