

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

Original Application No.21/954/2019

Date of Order: 31.10.2019

Between:

K. Malleswara Rao
S/o K. Venkata Punnaiah
Age 59 years
Working as Assistant Surveyor of Works (C)
Civil Construction Wing, All India Radio
Hyderabad – 500 004.

.... Applicant

AND

1. Union of India represented by
The Secretary
Ministry of Information & Broadcasting
Shastry Bhavan
New Delhi – 110 001.

2. The Chief Engineer
Civil Construction Wing
All India Radio
Suchana Bhavan
CGO Complex, Lodhi Road
New Delhi – 110001.

3. The Superintending Engineer (Civil)
All India Radio & Doordarshan
Swami Sivinanda Salai
Chennai – 600 005.

4. The Executive Engineer (Civil)
Civil Construction Wing
All India Radio
Hyderabad – 500 004.

... Respondents

Counsel for the Applicant ... Mr.M. Venkanna
Counsel for the Respondents ... Mr. A. Radha Krishna

CORAM:**Hon'ble Mr. B.V. Sudhakar, Member (Admn.)****ORAL ORDER**

2. The OA has been filed against the order of transfer of applicant from Hyderabad to Chennai.

3. Brief facts of the case are that the applicant was appointed as Junior Engineer (Civil) in Danda Karanya Project on 13.10.1980 and absorbed in All India Radio on 16.08.1988. Applicant was transferred to Hyderabad in September, 2013 and is due to retire on 31st October, 2020. At the moment, he is left with less than one year of service. Yet, violating transfer guidelines dated 14.07.1981, applicant was transferred on 30.9.2019 to Chennai. Applicant represented on 01.10.2019 stating that he has to take care of his old age parents aged beyond 85 years. However, respondents issued the impugned order dated 18.10.2019 relieving the official on 31.10.2019. On receipt of the said order, applicant made another representation dated 22.10.2019 requesting to retain him at Hyderabad. Till date, the representation has not been disposed of. Hence, the OA.

4. The contentions of the applicant are that the transfer has been effected against transfer guidelines, since he is about to retire within one year. He has aged parents to look after and the difficulty is that aged parents cannot be shifted to Chennai. As per transfer guidelines,

officials, who are retiring within three years can opt for posting to home town. Hyderabad being the home town of the applicant, he should have been accommodated at Hyderabad. A similarly situated person when he challenge the transfer order, passed by the 2nd Respondent, in Hon'ble Principal Bench of this Tribunal, by filing of OA No.2392/2019, respondents were directed to maintain status quo, vide order dated 09.09.2019.

5. Heard Sh. M. Venkanna, the learned counsel for the applicant and Shri B. Venkanna, proxy of Mr. A. Radha Krishna, the learned counsel for the respondents and perused the pleadings on record.

6. Learned counsel, appearing on behalf of the respondents, on standing instructions received from the respondents, submitted that the applicant has joined Hyderabad on 2.9.2013 and had already completed more than 6 years in Hyderabad. Transfer is an incidence of service. There has been no fresh recruitment in the organization since 1992. The average age of the employees of the department is about 55 years. Applicant has been transferred to Chennai in the interest of service. There is acute shortage of Assistant Engineers, as no direct recruitment took place since 1992. Medical facilities are available at Chennai to take care of applicant's parents. In fact, Shri P. Radhakrishna, who has served at Port Blair for more than 6 years, has been posted at Hyderabad after serving in a difficult station for a long time.

Consequently, applicant had to be transferred and that there is no scope to retain the applicant at Hyderabad.

7. (I) The main contention of the applicant is that he has been transferred violating transfer policy dated 14.07.1981, particularly principle No.xxi which reads as under:

“xxi) Members of staff who are within three years of reaching the age of superannuation will, if posted at their home town, not be shifted there from. If it becomes necessary to post them elsewhere, efforts will be made to shift them to or near their home towns to the extent possible.”

Based on this principle, the Hon'ble Principal Bench of this Tribunal has granted similar relief to the applicant in OA 2392/2019, vide order dated 09.09.2019. Applicant is seeking similar relief and stated that he has made another representation on 22.10.2019, which is stated to be pending with the respondents.

(II) The learned counsel for the respondents informs that the applicant was relieved on 3.10.2019 and allowed to continue for handing over the records/equipment etc. to the reliever till 31.10.2019. He has also submitted that there is only one post and, therefore, retaining the applicant at Hyderabad would not be possible. Nevertheless, in view of the fact that the applicant is going to retire within one year, the respondents are directed to examine the representation made by the applicant on 22.10.2019, keeping in view the transfer policy, principle No.xxi, referred to hereinbefore, and also the order issued by the

Hon'ble Principal Bench of this Tribunal in OA 2392/2019, and thereafter decide the retention of the applicant by issuing a speaking and well reasoned order within a period of 8 weeks from the date of receipt of a copy of this order. As the applicant was reported to have been continued at Hyderabad till 31.10.2019, despite the reliever having joined on 3.10.2019, albeit only one post is available as per the submission of the respondents' counsel, therefore, the respondents are directed to retain the applicant at Hyderabad till the disposal of his representation, dated 22.10.2019.

With the above directions, the OA is disposed of. No order as to costs.

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

Dated, the 31st day of October, 2019

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