

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/21/654/2019

Dated: 30/07/2019

Between

K.P. Reddy, aged about 59 years,
S/o. Late Sri Rami Reddy,
Assistant Engineer, HCSD.1/3,
Central PWD, Survey of India Campus,
Uppal, Hyderabad ó 500 039.

... Applicant

AND

1. The Union of India rep. by its
Secretary to Govt. of India,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi ó 110 001.
2. The Special Director General (PR),
Central Public Works Department,
1st floor, G-Wing, Rajaji Bhawan,
Besant Nagar, Chennai ó 600 090.
3. Superintendent Engineer (P&A)-II,
Central Public Works Department,
Nirman Bhavan, Koti,
Hyderabad ó 500 095.
4. Executive Engineer,
Central Public Works Department,
Hyderabad Central Division-1,
Nirman Bhavan, Koti,
Hyderabad ó 500 095.
5. Shri G. Nagesh,
Assistant Engineer,
Central Public Works Department,
O/o. Superintendent Engineer (P&A)-II,
Nirman Bhavan, Koti,
Hyderabad ó 500 095.

... Respondents

Counsel for the Applicant : Mr. T. Koteswara Rao
Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC

CORAM :

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

ORAL ORDER

{Per Honøble Mr. B.V. Sudhakar, Member (Admn.)}

2. Heard both the counsel.

3. The applicant is working as Assistant Engineer in the respondents' organization. He was posted as HCC-I vide order dated 31.5.2019 at Hyderabad. Another order was issued on 26.7.2019, posting him as AE(P)/SE(P&A)-II, Hyderabad. The grievance of the applicant is that within three months, he has been shifted out of the earlier post. As per transfer guidelines, the normal tenure is 3 years. Therefore, there is violation of the transfer guidelines. Learned counsel for the applicant has strenuously argued that the transfer order does not give clear grounds as to why the transfer has been effected. He contends that an opportunity should necessarily be given so that he can represent on the basis of facts he has.

4. In response to the above, Smt. K. Rajitha, learned Senior Standing Counsel appearing for the respondents has submitted a brief note signed by EE-II CD-I and the same is taken on record. She is directed to serve a copy of the same on the other side. Para 2 of the said note indicates that the applicant has been put in doubtful integrity list for the year 2019. Besides, learned counsel for the respondents has also submitted a confidential order issued by the respondents bearing F.No.1/5/DI/2016-VSII dated 14.8.2017, wherein a

penalty of reduction to a lower stage in the time scale of pay by three stages for a period of three years was imposed on the applicant. She has also submitted a letter issued by CE(T) addressed to the Superintending Engineer (Electrical) wherein it was noted that since the name of the applicant is in the doubtful integrity list for the year 2019, he has been transferred to a non-sensitive planning post.

5. Learned counsel for the applicant submitted that the misconduct pertains to the year 2009 and the UPSC advised to modify the punishment to that of a minor punishment.

6. Considering the above facts, the applicant is directed to make representation to the respondents, citing the grounds, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondents may dispose of the same within a period of three weeks from the date of receipt of such representation, by issuing a speaking and a well reasoned order. Thereafter, if such order of the respondents is not palatable to the applicant, he may approach the Tribunal within one week from the date of receipt of such order. Till then, the applicant shall be retained in the post where he is presently working.

7. With the above direction, the O.A. is disposed of. No order as to costs.

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

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