

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

B. Ram Babu Vs. the Sr.Divisional Engineer (Co-ord), South Central Railway and Others

B. Ram Babu Vs. the Sr.Divisional Engineer (Co-ord), South Central Railway and Others

SooperKanoon Citation : sooperkanoon.com/940305

Court : Central Administrative Tribunal CAT Hyderabad

Decided On : Jan-19-2009

Judge : P. Lakshmana Reddy, Vice-Chairman & the Honourable Mr. R. Santhanam, Member (Admn).

Appeal No. : Original Application No.32 of 2009

Appellant : B. Ram Babu

Respondent : The Sr.Divisional Engineer (Co-ord), South Central Railway and Others

Advocate for Pet/Ap. : Counsel for the Applicant : K. Phani Raju, Advocate.
Counsel for the Respondents : V. Rajeswara Rao, SC for Rlys.

Judgement :

ORAL ORDER

{As per Hon'ble Mr. Justice P.Lakshmana Reddy, Vice Chairman }

Heard Mr.K.Phani Raju, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The grievance of the applicant herein is that he has been transferred vide order dated 29.12.2008 to Vijayawada in the middle of the academic year and his daughter is appearing for final year examinations of Intermediate in the month of March/April and his mother is aged 74 years and also sick. Though he submitted a representation on 22.09.2008 even before the transfer orders are passed, he has been transferred without disposing of his representation. Learned counsel for the respondents contended that as the applicant completed his tenure of four years, he has been transferred on account of administrative exigency and therefore this Tribunal cannot interfere with such discretionary orders. Learned counsel for the applicant contended that no officer is posted in his place at Gudivada and there is likely hood of vacancies also at Rajahmundry to which place the applicant made a request in the event of his transfer.

3. However, the fact remains that the applicant made his representation explaining his difficulties and also mentioned his choice of place in the event of transfer after the completion of his tenure. It is also not disputed that the said representation is not yet disposed of. Therefore, we consider that this is a fit case to dispose of the OA at the stage of admission itself with a direction to the respondents to consider the representation made by the applicant dated 22.09.2008 and dispose of the same in accordance with rules within a period of one month from the date of receipt of a copy of this order. Till the representation is disposed of, the applicant may be retained at Gudivada.

4. O.A. is accordingly disposed of. There shall be no order as to costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com