

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00266/2017

DATED THIS THE 10<sup>TH</sup> DAY OF SEPTEMBER, 2018

**HON'BLE DR.K.B.SURESH, MEMBER (J)**

**HON'BLE SHRI DINESH SHARMA, MEMBER (A)**

Dr. P. Nandeesha,  
S/o Puttaswamy gowda,  
Aged about 42 years,  
Working as Scientist (Sr. Scale)  
In the Division of  
Biotechnology,  
ICAR-IIHR, Hesaraghatta,  
Bengaluru – 560 089  
And  
R/at No. 835, 12<sup>th</sup> Main, 25<sup>th</sup> Cross,  
Judicial Layout, GKVK Post,  
Bengaluru – 560 065

.....Applicant

(By Advocate M/s Subbarao & Co.)

Vs.

1. Union of India  
Rep. By its Secretary,  
Ministry of Agriculture,  
Krishi Bhavan,  
New Delhi – 110 001

2. Indian Council of Agricultural  
Research,  
Rep. By its Director General,  
Krishi Bhavan,  
New Delhi – 110 001

3. The Indian Institute of Horticultural  
Research,  
Hesaraghatta Lake Post,  
Bengaluru – 560 089

....Respondents

(By Shri V.N. Holla, Senior Panel Counsel for R1 and  
Shri B.A. Chandrashekar, Counsel for Respondent No.2&3)

O R D E R (ORAL)(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. MA No. 170/00198/2018 and 199/2018 are disposed off. The learned counsel for the respondents submits that now a cadre review is going on in the department. Only after the cadre review they can decide the placement. But since the transfer and placement of the applicant is challenged, we will now hold that all the transfer orders are hereby quashed. But we will leave it open to the respondents to determine at a later stage whether the applicant or any others had to be transferred out keeping in view that there cannot be empire building at any particular station. This they shall ensure. But since the cadre review is going on, we will hand over the matter back to the respondents to decide after the cadre review is over. But they should also remember that there should not be any mid-academic term transfer and there must be adequate notice to the transferee so that they can make alternative arrangements.

2. The OA is disposed off. No order as to costs.

(DINESH SHARMA)  
MEMBER (A)

(DR.K.B.SURESH)  
MEMBER (J)

/ksk/

**Annexures referred to by the applicant in OA No. 170/00266/2017**

Annexure A1 Copy of the request of the applicant for transfer dated 20.08.2013  
Annexure A2 Copy of the transfer order dated 18.10.2013  
Annexure A3 Copy of the letter dated 08.11.2016  
Annexure A4 Copy of the reply dated 25.11.2016  
Annexure A5 Copy of the recommendations  
Annexure A6 Copy of the Agenda note  
Annexure A7 Copy of the e-mail dated 09.05.2017  
Annexure A8 Copy of the annexures attached to e-mail dated 09.05.2017  
Annexure A9 Copy of the representation made to the Director General by the applicant  
Annexure A10 Copy of the representation made by the applicant to the Deputy Director General  
Annexure A11 Copy of the order of transfer issued to the applicant dated 20.05.2017

**Annexures with reply statement**

Annexure R1 Copy of the Rules and Bye-laws of the ICAR

**Annexures with rejoinder**

Annexure A12 Copy of the letter issued by Respondent No.2 at attend the interaction session at NASC Complex, New Delhi

**Annexures with MA 199/2018**

Annexure A13 Copy of the information downloaded from IIHR website regarding the cadre strength  
Annexure A14 Copy of the information from ICAR Personal Management System regarding the applicant  
Annexure A15 Copy of the information regarding service details of the applicant in ICAR

**Annexures with Memo**

Annexure A16 Copy of the statement containing ongoing projects  
Annexure A17 Copy of the statement containing completed projects

**Annexures with Written argument**

Annexure A16 Copy of the proceedings of the Cadre Review Committee Meeting dated 21.03.2017

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