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OA.No.170/01100/2019/CAT/BANGALORE&
OA.No.170/01073/2019/CAT/BANGALORE

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/01100/2019

AND

ORIGINAL APPLICATION NO.170/01073/2019

DATED THIS THE 10TH DAY OF OCTOBER, 2019

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

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

Ms VartikaKatiyar, IPS,
D/o HemantKatiyar,
Aged about 33 years,
Working as Superintendent
Of Police, Dharwad District,
Dharwad Applicant
(By Advocate M/s M. Nagaprasanna Associates)

Vs.

1. Union of India,
Represented by its Secretary,
Ministry of Home Affairs,
North Block, New Delhi 110 001
2. State of Karnataka
By its Additional Chief Secretary,
Home Department, Vidhana
Soudha, Dr. Ambedkar Veedhi,
Bangalore 560 001
3. Additional Chief Secretary,
Government of Karnataka,
Department of Personnel &
Administrative Reforms,
Vidhana Soudha, Dr. Ambedkar Veedhi,
Bangalore 560 001
4. Director General & Inspector
General of Police in Karnataka
No. 1, Nrupathunga Road,
Bangalore 560 001
5. Dekka Kishore Babu, IPS,
Major by age,

Deputy Commissioner of Police

Law & Order, Kalburagi

....Respondents

(By Shri R. B. Sathyanarayana Singh, Counsel for the State Government)

O R D E R (ORAL)

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

Heard. These two matters are heard together on consent. Apparently applicant is a woman officer with a small child who is studying in a school at the place she is posted, i.e., Dharwad. She is working as SP there. We are not inclined to go into the other matters raised by all the parties now for the simple reason that the Hon'ble Apex Court in Director of School Education Vs. O. KaruppaThevan reported in AIR 1994 SCC, Supl. (2) 666, which we quote, had held that mid-academic session transfers are to be avoided:

"PETITIONER:

DIRECTOR OF SCHOOL EDUCATION MADRAS AND OTHERS

Vs.

RESPONDENT:

O. KARUPPA THEVAN

DATE OF JUDGMENT 31/01/1994

BENCH:

SAWANT, P.B.

SINGH N.P. (J)

CITATION:

1994 SCC Supl. (2) 666

JUDGMENT:

ORDER

1. Leave granted. Heard both counsel.

2. The tribunal has erred in law in holding that the respondent employee ought to have been heard before transfer. No law requires an employee to be heard before his transfer when the authorities make the transfer for the exigencies of administration. However, the learned counsel for the respondent, contended that in view of the fact that respondent's children are studying in school, the transfer should not have been effected during mid-academic term. Although there is no such rule, we are of the view that in effecting transfer, the fact that the children of an employee are studying should be given due weight, if the exigencies of the service are not urgent. The learned counsel appearing for the appellant was unable to point out that there was such urgency in the present case that the employee could not have been accommodated till the end of the current academic year. We, therefore, while setting aside the impugned order of the Tribunal, direct that the appellant should not effect the transfer till the end of the current academic year. The appeal is allowed accordingly with no order as to costs."

2. Apparently the applicant's case is that her small child is enrolled in a school at Dharwad and that his education will be disrupted if she is transferred at this point. We think that this is a valid point she has raised. The other points we are not considering at all now. Therefore the applicant will be allowed to continue at Dharwad till 31st of March and on 1st of April she can be transferred out without any more ado. The 5th respondent may be sent back to the earlier place or any other place as the government deems fit to post him.

3. Both the OAs are hereby closed. No order as to costs.

(C.V. SANKAR)

(DR.K.B.SURESH)

MEMBER (A)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/01100/2019

Annexure A1: Copy of the order of transfer of the applicant dated 30.08.2019

Annexure A2: Copy of the movement order of the applicant dated
31.08.2019Annexure A3: Copy of the charge taking report of the applicant dated
01.09.2019Annexure A4: Copy of the notification of transfer dated 01.10.2019 issued to
the applicant

Annexure A5: Copy of the notification dated 03.10.2019

Annexure A6: Copy of the movement order dated 04.10.2019

Annexures referred to by the applicant in OA No. 170/01073/2019

Annexure A1: Copy of the order of transfer of the applicant dated 30.08.2019

Annexure A2: Copy of the movement order of the applicant dated
31.08.2019Annexure A3: Copy of the charge taking report of the applicant dated
01.09.2019Annexure A4: Copy of the notification of transfer dated 01.10.2019 issued to
the applicant**Annexures referred in the reply statement**

Annexure R1: Copy of the notification dated 03.10.2019

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