

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH AT BANGALORE**

ORIGINAL APPLICATION NO.170/01186/2019

DATED THIS THE 27TH DAY OF NOVEMBER, 2019

**HON'BLE DR K B SURESH....MEMBER (J)
HON'BLE SHRI C V SANKARMEMBER (A)**

Sri.B.Ramesh, IPS
S/o B Ramji,
Aged about 45 years,
Working as Deputy Commissioner of Police (Law and Order)
West Division, Bangalore City,
1st Floor, Upparpet Police Station,
Dhavavantri Road, Subhash Nagar,
Bangalore-560 009.Applicant
(By Advocate Shri.M S Bhagwat)

Vs.

1. The Union of India,
Represented by its Secretary,
Ministry of Home Affairs,
North Block, New Delhi-110 001.
2. The State of Karnataka,
Represented by its Additional Chief Secretary,
Department of Home,
Vidhana Soudha, Bangalore-560 001.
3. The State of Karnataka,
Represented by its Principal Secretary,
Department of Personnel and Administrative Reforms,
Vidhana Soudha, Bangalore-560 001.
4. The Director General and
Inspector General of Police,
No.1, Nrupatunga Road, Bangalore-560 001.
5. Sri.S.Girish.S.,IPS
Major, Working as Commandant,
9th Battalion, Karnataka State Reserve Police,
Bangalore-560 001.

...Respondents

(Shri.Satyanarayana Singh, Counsel for the State Government)

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

Heard. It appears that, atleast on a second examination, wisdom had dawned and the impugned order has been withdrawn. At this point of time, we would like to caution the Government on one other thing also that Rule 20-F of the concerned rules are not intended to be non-effective. Even though we ourselves have held that in appropriate circumstances this rule can be traversed and appropriate orders passed in greater public interest, since the respondents have not chosen to file reply and had just withdrawn the impugned transfer order, we will now presume under the extant rules that the earlier position was not a proper exercise for administrate exigency. Therefore we will hold that applicant is eligible to be in whichever position he is for the next one year. OA is allowed as above. No order as to cost.

**(C V SANKAR)
MEMBER (A)**

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

/rsh/

Annexures referred to by the Applicant in OA No.170/01186/2019

Annexure A1: Copy of the Notification dated 07.06.2019

Annexure A2: Copy of the Notification dated 16.06.2019

Annexure A3: Copy of the charge taking certificate dated 18.06.2019 along with translated copy

Annexure A4: Copy of the impugned Notification dated 02.11.2019

Annexure A5: Copy of the Notification dated 05.08.2019.