

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH AT BANGALORE

ORIGINAL APPLICATION NO.170/00585/2019

DATED THIS THE 24th DAY OF SEPTEMBER, 2019

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

Sri.Joshy Joseph, 57 years,
S/o Sri.N.J.Joseph,
Director, Films Division,
Southern Regional Production Centre (SRPC)
Ministry of Information and Broadcasting,
D & F Wing, 1st Floor, Kendriya Sadan,
Koramangala,
Bengaluru: 560 034.

...Applicant

(By Advocate Shri P. A. Kulkarni)

Vs.

1. Sri.V.S.Nagarajan,
Director,
Films Division,
Southern Regional Production Centre (SRPC)
Ministry of Information and Broadcasting,
D & F Wing, 1st Floor, Kendriya Sadan,
Koramangala,
Bengaluru: 560 034.

2. Southern Regional Production Centre (SRPC)
Ministry of Information and Broadcasting,
D & F Wing, 1st Floor, Kendriya Sadan,
Koramangala,
Bengaluru: 560 034.
by its Head of Office.

3. Director General,
Films Division,
Ministry of Information and Broadcasting,
24-Dr.G.D.Marg,
Mumbai:400 026.

4. Union of India,
to be represented by its Secretary,
Ministry of Information and Broadcasting,
Shastri Bhawan 'A' Wing,
New Delhi: 110 001.

...Respondents

(By Shri.M V Rao, Senior Panel Counsel)

3. Shri.P.A.Kulkarni, learned counsel for the applicant submits that the matter is still under process. But then we find from the file that it has been closed. The question here is not the nature of allegations made against the Government employees. The question here is only with relation to the evidence that could be gathered against the concerned Government employee. If the concerned authority cannot gather any evidence against him on the basis of imagination nobody can be punished. That being the crux of the issue we do not want to enter into the situation which is canvassed by the applicant herein.

4. Applicant submits that he has some difficulty in working under Shri.V.S.Nagarajan who had been brought back to Bangalore on the matter being closed and apparently he is also the officer in-charge. He is made the officer in-charge for the sole reason that he is the senior most among all of them that seems to us to be a plain explanation of the situation by the respondents. If no case could be established against him and he is transferred back by the respondents by no amount of imagination can it be assailed. Person can be punished on the basis of proven infraction and not on the basis of imagination of anybody.

5. At this point Shri.P.A.Kulkarni, learned counsel for the applicant makes a request that in that case applicant may be sent back to Calcutta. Since he has not actually asked for such a prayer in the OA we cannot grant it.

Annexures referred to by the Applicant in OA No.170/00585/2019

Annexure A1	Copy of the Transfer order dated 08.06.2018
Annexure A2	Copy of the information received under RTI act on 25.7.2018
Annexure A3	Copy of the Transfer order dated 13.05.2019
Annexure A4	Copy of the order dated 14.5.2019
Annexure A5	Copy of the representation dated 16.05.2018
Annexure A6	Copy of the representation dated 05.11.2018
Annexure A7	Copy of the representation dated 05.04.2019
Annexure A8	Copy of the representation dated 08.04.2019