

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00080/2019

DATED THIS THE 18th DAY OF DECEMBER 2019

HON'BLE SHRI CV. SANKAR, MEMBER (A)

1.Shri M.Kaushik,
S/o Late N. Manjunatha,
Aged about 26 years,
R/o No.495, 5th Cross,
5th Main Road,
MS.Ramaiah Nagar,
Bangalore 560 054.

2.Smt.BS.Vandana,
W/o Late N. Manjunatha,
Aged about 57 years,
R/o No.495, 5th Cross,
5th Main Road,
MS.Ramaiah Nagar,
Bangalore 560 054.

3.Dr.M.Kavya (D/O Late N.Manjunatha),
W/o Dr.K.M.Amith,
Aged about 30 years,
R/o Premachandra,
Behind Sadashivanagar Police Station,
Sadashivanagar,
Tumkur 572 101.

...Applicants.

(LRs of original Applicant Late N. Manjunatha,
S/o Late Narasimhappa, Aged about 60 years,
Retired as Director/ Supdt. Eng,Central Electricity Authority,
Southern Region Power Committee,No.29, Race Course Road,
Gandhinagar, Bangalore – 560 009.
R/o No.495, 5th Cross,5th Main Road,
MS.Ramaiah Nagar,Bangalore 560 054.

(By Advocate Shri S.P. Kulkarni)

Vs.

1. Union of India,
Ministry of Power,
Shrama Shakti Bhavan,
New Delhi – 110 001,
Represented by its Chief Secretary,

2.The Chairperson,
Central Electricity Authority,
Seva Bhavan, R.K. Puram,
New Delhi-110 066.
Now represented by the Under Secretary (P).

3.The Member Secretary,
Central Electricity Authority,
Southern Region Power Committee,
No.29, Race Course Road,
Gandhinagar, Bangalore – 560 009.

...Respondents

(By Shri NB.Patil, Counsel)

O R D E R (ORAL)

SHRI CV. SANKAR, MEMBER (A)

1. We heard the case for some time. Vide annexure R-1 dated 7.2.2017 we had given direction to the 2nd respondent to consider the applicant for a transfer back to Bangalore, to be done within a period of one month and appropriate speaking order passed. Taking advantage of this 2nd line relating to 'appropriate speaking order', the respondents had passed a letter dated 17.3.2017 stating that 'it is not possible to transfer the applicant from Mumbai to Bangalore for the present. However, his case will again be considered as and when the opportunity arises'. This was not challenged by the applicant by way of contempt or

any other judicial means. Subsequently, vide annexure R-3, his letter dated 10.5.2017, he, himself had requested for transfer back to Bangalore. Subsequent to which transfer order is passed vide annexure R-4 dated 25.5.2017 along with 2 other persons. Vide annexure R-5 dated 12.6.2017, the respondents have transferred him to Bangalore as it is on his own request and they have clearly mentioned that he will not be entitled for any allowances on transfer. Vide annexure R-9 dated 4.10.2017, the applicant had once again requested to consider his transfer from Bangalore as on public interest to which the respondents have replied stating that it could not be acceded to as decided by the competent authority in CEA, Vide annexure R-10, which we quote:-

*“Government of India
Central Electricity Authority
Sewa Bhawan, RK.Puram
New Delhi-110 066.*

To,

*Shri RM.Rangarajan,
Superintending Engineer(Admn),
Southern Region Power Committee,
No.29, Race Course Road,
Bangalore – 560 009.*

*Sub: Request for considering the transfer of Shri N. Manjunatha,
Superintending Engineer from WRPC, Mumbai to SRPC,
Bangalore as public interest-reg.*

Sir,

I am directed to refer to SRPC's letter No.2/348/2017/Admn-/5753-54 dated 2.10.2017 enclosing the representation of Shri N. Manjunatha, SE, SRPC's letter No.Adm/Est/PF/NM/2017/SRPC dated 4.10.2017 (Reminder) on the above mentioned subject and to say that his earlier representation vide letter No.Adm/Est/PF/NM/2017/SRPC dated 9.8.2017 was replied vide CEA's letter of even number dated 23.8.2017 (Copy enclosed) and it was intimated

that the request of Shri N. Manjunatha, to consider his transfer from WRPC, Mumbai to SRPC, Bangalore as public interest could not be acceded to as decided by the competent authority in CEA.

Yours faithfully,

*sd/-
(Prakash Ekka)
Under Secretary (P)*

Encl;as above

Copy to: Shri N. Manjunatha, SE, SRPC w.r.t, his No.Adm/Est/PF/NM/2017/SRPC dated 4.10.2017 (Reminder)”

2. Therefore, looking at the entire proceedings, it is obvious that the respondents had passed a speaking order vide Annexure R-2 and the applicant had also not come up before us challenging this and had accepted and gone to Mumbai. Subsequently, he has been transferred back to Bangalore on his own request. There is no merit in the OA. OA is dismissed. No order as to costs.

3. In the interregnum the applicant has also passed away. MA.852/2019 for bringing LRs of the deceased applicant is allowed.

(CV.SANKAR)
MEMBER (A)

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Annexures referred to by the applicant in OA.No.80/2019

Annexure A1 OA.861/2017	Copy of order CAT, Bangalore in dated 7.2.2017 in
Annexure A2	Copy of transfer order dated 25.5.2017
Annexure A3	Copy of letter dated 20.6.2017
Annexure A4	Copy of Corrigendum letter dated 12.6.2017
Annexure A5	Copy of representation dated 9.8.2017
Annexure A6	Copy of letter dated 9.8.2017
Annexure A7	Copy of letter dated 23.8.2017
Annexure A8	Copy of representation dated 5.10.2017
Annexure A9 representation	Copy of letter dated 5.10.2017 forwarding
Annexure A10 23.9.2008	Copy of OM dated 13.7.2017 along with OM. dt.
Annexure A11	Copy of rejection letter dated 16.10.2017

Annexure referred to in the reply by the Respondents

Annexure R1: Copy of order of CAT, Bangalore dated 7.2.2017 in OA.861/2017
Annexure R2: Copy of order dated 17.3.2017
Annexure R3: Copy of letter dated 10.5.2017
Annexure R4: Copy of order dated 25.5.2017
Annexure R5: Copy of letter dated 12.6.2017
Annexure R6: Copy of OM dated 23.9.2008
Annexure R7: Copy of OM dated 13.7.2017
Annexure R8: Copy of letter dated 23.8.2017
Annexure R9: Copy of representation dated 4.10.2017
Annexure R10: Copy of letter dated 16.10.2017
Annexure R11: Copy of TTA bill

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