

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE 9TH SEPTEMBER 1986

Present

HON'BLE SHRI CH. RAMAKRISHNA RAO : MEMBER (J)

HON'BLE SHRI L.H.A. REGO : MEMBER (A)

APPLICATION NO.437 OF 1986 (F)

Shri T. Muniswarasa,
S/o Shri S. Tarasa,
No.17, Vidyarnayanagar,
Magadi Road,
Bangalore-23.

.. Applicant

(Dr. M.S. Nagaraja, Advocate)

1. Chief Commissioner (Admn.),
& Commissioner of Income Tax,
Karnataka-I, Bangalore.

2. The Inspecting Assistant Commissioner
Income Tax, Circle-II,
Unity Building Annex,
Bangalore.

Respondents

(Shri M.S. Padmarajiah, Advocate)

The application has come up for hearing before Court-II
on 21.8.1986. Shri L.H.A. Rego, Member (A) pronounced the following:

O R D E R

The applicant alleges male fides in the impugned transfer
order dated 31.1.1986 and prays that the same be annulled with
consequential relief to him.

2. The facts of the case are briefly as follows. The applicant
was working as a Selection Grade Stenographer, in the pay scale of
Rs.425-640, with effect from August 1983, as a Group 'C' employee,
under the second respondent. The office of the second respondent

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was visited by the Chief Commissioner (Administration) and the
Karnataka I, Bangalore
Commissioner of Income Tax, the first respondent (CCI, for short)
in November, 1985, when the applicant brought to his notice, lack
of certain amenities in the office. This seems to have invited
the ire of the second respondent, to provoke him to take action in
reprisal against the applicant as alleged by him. The second
respondent had suggested transfer of the applicant with this as
the background, but the same was turned down by the first
respondent.

3. However, when the first respondent was on leave and
Shri K.S. Rao was holding charge of the post, the applicant was
abruptly transferred by the latter under his Order dated 31.8.1986
and was relieved the same day with extraordinary haste. The
applicant represented against this sudden transfer in the midst
of the academic year, to the higher authority, with a request, to
defer the same at least up to June, 1986 but his request was
rejected. Aggrieved by this order of transfer, the applicant
has, come before this Bench for redressal.

4. We have heard both sides. The learned counsel for the
applicant attributes mala fides to the transfer, on the grounds
that it was ordered soon after the visit of the CCI to the office
of the second respondent, when the applicant had complained to the
CCI, about working conditions in the office which is said to have
caused displeasure to the second respondent. The applicant was,
therefore, transferred and relieved with undue haste and was
posted to an "unpopular" station like Mangalore, even though he
had earlier served in an "unpopular" station like Goa. In
refuting this contention, the learned counsel for the respondents

Chitkar