

INTERIM ORDERCENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCHCommercial Complex (BDA)
Indiranagar
Bangalore - 560 038TUESDAY, THE 27th MAY 1986PRESENTThe Hon'ble Member (J) : Shri Ch. Ramakrishna RaoANDThe Hon'ble Member (A) : Shri L.H.A. RegoINAPPLICATION NO. 667/86(F)K.R. Rao
C/O Shri M. Narayanaswamy, Advocate,
No. 844 (Upstairs)
V Block, Rajaji Nagar
Bangalore - 10.

....

Applicant

VERSUS

1. The Secretary,
Min of Urban Development
New Delhi - 11
2. The Director of Printing
B- Wing, Nirman Bhavan,
New Delhi - 11
3. The Manager
Govt of India Text Book Press
T. Narasipur Road
Mysore - 570010

.....

Respondents

ORDER

Operation of Order No Estt/215/82/545 dated 12-5-86 passed by the 3rd Respondent herein shall stand stayed.

2. Given under my hand and the seal of this Tribunal, this 27th day of May 1986.



Received copy of Order of K. Rao
on behalf of M. Narayanaswamy
Advocate
for Registrar
Application No. 667/86(F)

for REGISTRAR

Sri S.
R. S. S. S.
R. H. 3.
R.
Signed
28/5/86

INTERIM ORDER

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560038

Tuesday, the 10th June, 1986

Present

The Hon'ble Member (J)

Shri Ch. Ramakrishna Rao

The Hon'ble Member (A)

Shri L.N.A. Rao

IN

APPLICATION NO 667 of 1986 (F)

Krishna Ramakrishna Rao,
(K.R.Rao)
C/O Shri M. Narayana Swamy,
Advocate, No 844, (Up stairs),
V Block, Rajajinagar,
Bangalore - 560010

... Applicant

Versus

1. The Union of India
represented by its Secretary,
Government of India,
Ministry of Urban Development,
A- Wing, Nirman Bhavan, New Delhi-11.
2. The Director of Printing,
'B' Wing, ~~Govt. of India~~,
Nirman Bhavan, New Delhi-11.
3. The Manager, Government of India,
Text Books Press,
T. Narasipur Road, Mysore-11.

... Respondents.

In the above application this Tribunal has passed the following orders:-

Shri M. Narayanaswami appears for the Applicant. None present for the Respondents. It is observed that despite service of notice of the Application and compliance with other measures as envisaged by Section 24 of the Administrative Act, 1985, on the Respondents, they have not chosen to enter appearance either through their Counsel or through an authorised representative. In view of this, the stay already granted by this Bench on 27.5.1986 is continued until further orders.

Given under my hand and the seal of this Tribunal, this 11th day of June 1986.



REGISTRAR

Sub: Pl. issued for R.

o/c

*Issued
on
13/6/86*

Registered A/D

/Tribunals

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

-6 NOV 1986

Application Nos. 666 & 667/86(F)Commercial Complex, (BDA)
Indiranagar,
Bangalore-560 038.ApplicantN.P. Venkita Subramanian &
Krishna Ramakrishna RaoRespondents.The Secretary,
M/o. Urban Development, N. Delhi
& others.

To

1. The Secretary,
M/o. Urban Development,
Nirman Bhavan, A-Wing,
New Delhi- 110 001.
2. Director of Printing,
Nirman Bhavan, B-Wing, N. Delhi-110001.
3. The Manager,
Govt. of India Text Book Press,
T. Narasapur Road,
Mysore.
4. Shri M. Narayanaswamy, Advocate for Applicant,
No. 844, (Upstairs) V Block,
Rajaji Nagar, Bangalore- 560 010.
5. Shri M. Vasudeva Rao, (Advocate for Respondents)
Sr. Central Govt. Standing Counsel,
High Court of Karnataka Buildings,
Bangalore-560 001.

Subject: Sending copies of Order passed by the Bench in
Application Nos. 666 & 667/86(F)

....

Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application Nos. 666 & 667/86(F)Encl: As above*Hari*
(SECTION OFFICER
(JUDICIAL) 6/11/86

✓ Copy to file no. 667/86(F)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE.

DATED THIS THE TENTH DAY OF SEPTEMBER, 1986.

Present: Hon'ble Shri Ch. Ramakrishna Rao, Member(J)

and

Hon'ble Shri L.H.A. Rego, Member (A).

APPLICATION NOS. 666 & 667 of 1986.

Between:

1. N.P. Venkita Subramanian,
U.D.C.,
Government of India Text Book Press,
Mysore.

...Applicant in
A.No. 666/86.

2. Krishna Ramakrishna Rao,
Section Holder (Binder),
Government of India Text Book Press,
Mysore.

...Applicant in
A.No. 667/86.

and

1. The Union of India,
rep. by its Secretary,
Govt. of India, Ministry of
Urban Development, A-Wing,
Nirman Bhavan,
NewDelhi.
2. Director of Printing,
B-Wing, Nirman Bhavan, NewDelhi.
3. The Manager,
Govt. of India Text Book Press,
T.Narsapur Road, Mysore.

...Common respondents in
both applications.

The applications having come up for hearing before this
Court, the Member (J) made the following:

ORDER

These two cases are disposed of by this common order as they
involve similar question of fact and law. For the sake of conve-
nience, the applicant in the first application is referred to as
the first applicant, and in the second, as the second applicant



Shri M. Narayanaswamy, learned counsel for the applicants submits that the first applicant who was working as a Lower Division Clerk (LDC) in the Government of India Press, Coimbatore (Coimbatore Press for short) was transferred on deputation to the post of Upper Division Clerk (UDC) in the Government of India ^{Text Book} Press, Mysore (Mysore Press for short) ~~on deputation~~ for a period of two years from the date of his joining the Press at Mysore; that the second applicant was transferred from the Government of India Press, Nasik (Nasik press for short) where he was working as a Binder Grade II to the Mysore Press in the same capacity on deputation basis for a period of two years; that after serving in the Press at Mysore for over two years they exercised their option for permanent absorption in the strength of the Press at Mysore which they were entitled to do as per Memo dated 24-9-1966 ^(Memo in short) issued by the Chief Controller of Printing and Stationery ^{New Delhi} (CCP & S); that the option exercised by the applicants were not accepted to by the Manager of the Mysore Press (Manager for short) respondent No.3; that the action of the Manager is repugnant to the Memo and is therefore liable to be set aside.

Shri M. Vasudeva Rao, learned counsel for the respondents submits that the Memoranda under which the applicants were transferred from the Coimbatore Press and the Nasik Press to the Mysore



Press make it clear that they have only been transferred in public interest; that the Memo relied upon by the applicants is mainly concerned with transfers of Class III and Class IV staff from one unit to another within the Printing & Stationery(P & S) Department and the exercise of the so-called option by the applicants does not confer on them any right for absorption in the strength of the Mysore Press.

After giving careful thought to the rival contentions we are satisfied that the Memo has to be read as a whole and so read the Memo is relevant for considering the case of the applicants by the Mysore Press for absorption in the posts in which they are currently working. The relevant portion of the aforesaid Memo reads thus:

Subject: Transfer from one Unit to other of the P & S Department - Instructions regarding.

(i)

(ii) In case any applicant for a post in another unit wishes to be absorbed permanently in that unit, the same will be allowed. However, he would be treated in the new Press as having been appointed through "Transfer" method and his seniority there determined in accordance with the instructions contained in the Ministry of Home Affairs O.M.No.9/11/55 RPS dated 22-12-1959.

- (2) The above instructions should be brought to the notice of all the staff.
- (3) While inviting applications, the applicants should be asked to give their option in writing



as to whether they would like to serve in the new unit on "Deputation" or on "Transfer".

The justification for absorbing in principle of the staff working in one unit when he is transferred to another unit is that all the units have the same identity though they are scattered and located at different places of the country. In other words one unit cannot be treated as wholly different from another since they are ~~ex~~ all under the umbrella of the P & S Department. We therefore see nothing wrong in principle in absorbing in Mysore Press the applicants borne on the staff of the Coimbatore Press and the Nasik Press.

In the case of the first applicant he had given an undertaking in his application that he would exercise a final option either to revert to his parent office or for permanent absorption in the Mysore Press after the expiry of two years and he exercised his option accordingly. Though no such undertaking was given by the second applicant he too exercised his option after the expiry of two years while he was still on deputation/transfer. In view of the option exercised by the applicants it was incumbent on the Manager to have considered the same in the light of the procedure outlined in the Memo and the instructions of the Ministry of Home Affairs referred to therein. The Manager of the Mysore Press seems to have laboured under a misapprehension that the absence of a provision in the recruitment rules for absorption of the



applicants in the strength of the Mysore Press disabled him from accepting the option exercised by the applicants. In so doing he seems to have overlooked the procedure and instructions set out in the Memo.

We therefore direct the respondents to consider the option exercised by the applicants in the light of the foregoing and pass necessary orders for their absorption within one month from the date of receipt of this order.

In the result the applications are allowed.

sd/-

(L.H.A. Regd)
Member (A)
10-9-1986

sd/-

(Ch. Ramakrishna Rao)
Member (J)
10-9-1986

/ True copy /

Jace
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

