

Registered A/D

INTERIM ORDER

REGISTERED/AD

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indira Nagar, Bangalore.

Dated: Aug.'86.

ON MONDAY THE 4TH OF ^{August} JULY, 1986

PRESENT

THE HON'BLE MEMBER(JUDICIAL) SHRI CH.RAMAKRISHNA RAO

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

IN

APPLICATION No.1592/86(F)

Shri B.S.Anand,
C/o Sh.M.Raghavendrachar, Advocate,
No.1074-1075, 1st Stage, P.S.K.,
Mysore Bank Colony, Opp. Raghavendra Nursing Home,
Main Cross, Sub-Cross-4, Bangalore.50. ... Applicant.

Versus

1. The National Savings Commissioner, (GOI),
No.12, Samineery Mills, Nagpur,
2. The Regional Director of National Savings,
G.O.I., No.19/2, Infantry Road, ~~Infantry Road,~~
Shivaji Nagar, Bangalore. ... Respondents.

ORDER

In above application, this Tribunal has passed "the following order:-

"Shri M.R.Achar present for applicant. Shri M.V.Rao for Respondent. Shri Rao files reply statement and requests that the application may be taken up on 14.8.1986. Shri Achar has no objection. Interim Stay already granted shall continue till the next date of hearing".

Given under my hand and the seal of this Tribunal,
this 5th day of August, 1986.



REGISTRAR.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE 10TH SEPTEMBER 1986

Present

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

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

APPLICATION NO.1592 OF 1986 (F)

Shri B.S. Anand,
District Savings Officer,
National Savings,
Government of India,
No.19/2, Infantry Road,
Shivaji Nagar,
Bangalore.

.. Applicant

(Shri M. Raghavendrachar, Advocate)

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|---|-----------------------|-------------|
| 1. The National Savings Commissioner,
(Government of India),
No.12, Semineery Hills,
Nagpur. | Ø
Ø
Ø | |
| 2. The Regional Director of
National Savings,
Government of India,
No.19/2, Infantry Road,
Shivaji Nagar,
Bangalore. | Ø
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Ø | Respondents |

(Shri M. Vasudeva Rao, Advocate)

The application has come up for hearing before Court-II
on 22.8.1986. Shri L.H.A. Rego, Member (A) pronounced the following:

ORDER

The applicant challenges the impugned order of transfer
dated 25/26-6-1986, issued by the second respondent on the premise,
that it violates the prevalent rules and procedure of the Postal
Department and prays that the same be set aside.

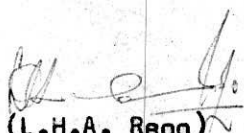
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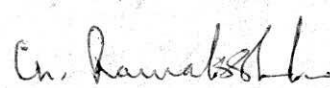
circumstance. In this case, the circumstance is in regard to sanction of a loan of Rs.30000/- to the applicant on 11.2.1986 to build a house at Bangalore and the resultant obligation on him to complete the house construction speedily and repay the loan in instalments within the period stipulated. Besides, the transfer is ordered on 26/27-6-1986 at an inopportune time when the academic year has commenced.

4. The applicant has been working in the present post since 31.12.1981 and the stipulated maximum period of his tenure of six years expires on 30.12.1986. While we do appreciate that the competent authority has the discretion to transfer an official on grounds of administrative exigency, even before he completes the maximum period of his tenure, we cannot be oblivious of the genuine and rather compelling circumstance, which the applicant is confronted with, as stated above. In view of this, we feel it is just and equitable that his request which is not unreasonable, is favourably considered.

5. We, therefore, quash the aforementioned impugned transfer order dated 26/27-6-1986 and direct that the applicant be retained in his present post, till he completes the maximum period of six years of his tenure, subject to the condition that his transfer is effected in good time before the academic year 1988.

6. In the result, the application is allowed. No order as to costs.


(L.H.A. Rego)
Member (A)
10.9.1986


(Ch. Ramakrishna Rao)
Member (J)
10.9.1986

2. The applicant has been working as District Savings Officer (DSO, for short) Bangalore, with effect from 31.12.1981 and belongs to the Scheduled Caste community. Normally, a maximum tenure of six years is prescribed under the rules for this post, for the purpose of transfer. The applicant alleges that while his colleagues S/Shri N.H. Kulkarni and M. Srinivas, who have put in a longer tenure than he, in their present post, have not been disturbed and there are others too, who have put in more than six to seven years in their present station and have not been transferred, only he has been discriminated against. Further, he states, that he has availed of a loan of Rs.30,000/- from the Housing Development Finance Corporation Limited, Bangalore, for the purpose of construction of a house, at Bangalore and that he is required to repay this loan in instalments, within a specified period and consequently, he has to complete the construction of the house at the earliest. He has also adduced evidence of illness of his aged father, which does not enable him to leave Bangalore at the moment. He, therefore, requests that he may be continued in his present post, at Bangalore, till he completes the maximum tenure of six years and states that thereafter, he is willing to go to any other place of posting. He had represented against his present transfer to the higher authorities but to no avail.

3. We have given due thought to the pleadings of both sides. Normally, we would not have liked to interfere with the administrative discretion of the competent authority in the matter of transfers but for a genuine and compelling

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