

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex(BDA),  
Indiranagar,  
Bangalore - 560 038

Dated : 22 JUN 1987

APPLICATION NO 464 / 86 (F)

W.P. NO \_\_\_\_\_

Applicant

Shri T.K. Venkataiah

V/s The Regional Director, National Savings  
B'lore and another

To

1. Shri T.K. Venkataiah  
Deputy Regional Director  
National Savings  
Mysore
2. Shri M. Raghavendra Achar  
Advocate  
1074-1075, Banashankari I Stage  
Sreenivasanagar II Phase  
Bangalore - 560 050

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~XXXX~~ /

~~XXXXXXXXXXXX~~ passed by this Tribunal in the above said  
application on 16-6-87.

Encl : as above

SECTION OFFICER  
(JUDICIAL)

Copy sent  
T.K. VENKATAIAH  
22/6/87

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No.990-1005/II/1/(4)72 Est./A3 dated 10-6-1987 (Annexure-A) had directed the applicant to hand over charge of his office to one Shri K.Vishwanath Naik, Deputy Regional Director, NSC, Mangalore on 15-6-1987 FN and report for duty at Gulbarga. But, without complying with the same, the applicant had approached this Tribunal on 15-6-1987 challenging that memo and the order of transfer made on 3-6-1987 by the NSC.

4. Among others, the applicant had urged that his transfer by the NSC was arbitrary and violates the norms fixed by him on 23-2-1987 and therefore illegal and unsustainable.

5. Shri M.Raghavendra Achar, learned counsel for the applicant, strenuously contends that the transfer made by the NSC on 3-6-1987 implemented by the RDNSC on 10-6-1987 was whimsical, arbitrary and unjust and calls for our interference on the ratio of the ruling of the Supreme Court in B.VARADA RAO v. STATE OF KARNATAKA AND OTHERS (AIR 1986 SC 1955), the ruling of the Division Bench of this Tribunal in K.K.JINDAL V.GENERAL MANAGER, NORTHERN RAILWAY AND OTHERS (ATR 1986 CAT 306) and the ruling of the Kerala High Court in P.PUSHPAKARAN v. CHAIRMAN, COIR BOARD (1978 KLT 539).

6. The posts held by the applicant at Mysore either as an AD or DD was not a 'tenure post' with a right to continue for any particular period at all. If that is so, then the NSC was competent to transfer the applicant who had completed 4 years of service or even before that also ~~transfer~~ from Mysore to another place.

7. Every one of the guidelines formulated by the NSC and relied on by Sri Achar did not place an embargo on him to transfer the applicant from Mysore to Gulbarga. The guidelines formulated by



the NSC were meant for the guidance of his officers and are not immutable laws or edicts (vide SHANTI KUMARI v. REGIONAL DEPUTY DIRECTOR, HEALTH SERVICES, PATNA DIVISION, PATNA AND OTHERS (1981 SCC (L&S)285). We are of the view that the NSC in transferring the applicant had not also violated the guidelines formulated by him. Hence, the ratio in all the cases relied on by Sri Achar do not bear on the point.

8. We are also of the view that every one of the circumstances highlighted by the applicant when examined cumulatively or singly, do not at all justify us to hold that the transfer had been made by the NSC whimsically or arbitrarily to justify our interference under Section 19 of the Act.

9. In Jindal's case, the Principal Bench interfered with the transfer on the ground that the same had been made as a measure of punishment. But, that is not the position in the present case. Hence, the ratio in that case does not bear on the point.

10. Sri Achar contends that the transfer made in the month of June causes considerable hardship to the children of the applicant who had been admitted to colleges at Mysore.

11. We will assume that the applicant's children had been admitted to one or the other colleges at Mysore before June, 1987. But, that fact even, if true, can hardly be a ground for interfering with the transfer order made in public interest.

11A Even in the month of March, 1987, the applicant had brought these very facts to the notice of the NSC who on examining it had transferred him from Mysore to Gulbarga. We see no merit in this contention of Sri Achar either.

12. Sri Achar lastly contends that the representations, if any,



to be made by the applicant are bound to be considered and the RDNSC, in directing their non-consideration, had acted illegally.

13. When representations are made, it is undoubtedly open to the NSC to consider the same notwithstanding any statement made by the RDNSC in his memo dated 10-6-1987. We have no doubt that the NSC will consider them on their own merits. But, till then also, we cannot interfere with the order of transfer.

14. In the light of our above discussion, we hold that this application is liable to be rejected. We, therefore, reject this application at the admission stage without notice to the respondents.



sr/np-

Sd/-  
VICE-CHAIRMAN

16-6-87

- True copy -

Sd/-  
MEMBER(A) 16-6-87

SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 16TH DAY OF JUNE, 1987.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman,

And

Hon'ble Mr. L.H.A. Rego,

.. Member(A).

APPLICATION NUMBER 464 OF 1987.

T.K. Venkataiah,  
Son of Kempaiah,  
Deputy Regional Director,  
National Savings, Mysore.

.. Applicant.

(By Sri M. Raghavendra Achar, Advocate)

v.

1. Regional Director,  
National Savings,  
19/2, Infantry Road,  
Bangalore 560 001.

2. Commissioner,  
National Savings, Nagpur.

.. Respondents.

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This application coming for preliminary hearing Vice-Chairman, made the following:

O R D E R

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. For more than 4 years, the applicant has been working as an Assistant Director of National Savings (AD) and on the upgradation of the said post in 1984 as Deputy Regional Director, National Savings (DD) at Mysore.

3. On 3-6-1987, the National Savings Commissioner, Nagpur (NSC) as the Head of the Department had transferred the applicant from Mysore to Gulbarga and in his place had transferred one Shri M. S. Deshpande who was working at Gulbarga. In compliance with the same, the Regional Director, NSC, Bangalore (RDNSC) in his memo



No.990-1005/II/1/(4)72 Est./A3 dated 10-6-1987 (Annexure-A) had directed the applicant to hand over charge of his office to one Shri K.Vishwanath Naik, Deputy Regional Director, NSC, Mangalore on 15-6-1987 FN and report for duty at Gulbarga. But, without complying with the same, the applicant had approached this Tribunal on 15-6-1987 challenging that memo and the order of transfer made on 3-6-1987 by the NSC.

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