

REGISTERED

URGENT

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

Dated : 28/7/87

APPLICATION NO. 560/87 /86()

W.P. NO _____

Applicant

R, Satyanarayana Rao

Respondents

The Vice Chief of Army Ataff
M/o. Defence & Others.

To

1. Shri R. Satyanarayana Rao,
Master (Gazetted)
Bangalore Military School,
Bangalore.
2. Shri V.A. Mohanarangam, Advocate,
No.24, 9th Main, IV Block,
Bangalore-560 011.
3. The Vice Chief of Army Staff,
MG-15, A, Ministry of Defence
New Delhi.

4. The Principal,
Bangalore Military School,
Hosur Road,
Bangalore.

5. Shri M.S. Padmarajaiah,
Central Govt. Standing Counsel,
Bangalore-1.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/XXXXXX

~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 28-7-1987.

Encl : as above

B.V. Venkatesh
DEPUTY REGISTRAR
~~XXXXXXXXXXXXXXXXXXXX~~
(JUDICIAL)

Received copy for Respondent
No. 4 (Principal BMS)

R. S.

28/7/87
P.V. RAJAN, CDR.
Bangalore Mil School

RECEIVED 29/7/87
Imms
30/7
Enclosed
Copies (Two)
for self and
for Mr. Advoca-
te
(R. SATYANARAYANA Rao)
28/7/87
28/6/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE.

Coram: Hon'ble Shri P. Srinivasan, Member (A)

and

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

DATED THIS THE TWENTY EIGHTH DAY OF JULY, 1987.

APPLICATION No. 560/87.

Between:

R. Satyanarayana Rao,
Master (Gazetted),
Bangalore Military School,
Bangalore.

....Applicant.

(Shri V.A. Mohanarangam, Advocate)

and

1. Union of India,
Ministry of Defence,
rep. by the Vice-Chief of Army Staff,
MG 15 A, New Delhi.

2. The Principal,
Bangalore Military School,
Hosur Road,
Bangalore.

.... Respondents.

(Shri M.S. Padmarajaiah, Sr. CGSC)

This application having come up for hearing today before us, Hon'ble Shri P. Srinivasan, Member (A) made the following Judgment:

J U D G M E N T

This application was posted for further orders before us today. However, we have heard Shri Mohanarangam and Shri M.S. Padmarajaiah, counsel for the applicant and respondents respectively on the merits of the application and proceed to dispose of it as indicated below.

P. Srinivasan

/2/

2. The applicant filed A.No. 280/86 (T) which was disposed of by this Tribunal on 25.2.1987. In disposing of that application, this Tribunal directed that the case of the applicant for promotion as Master (Gazetted) be considered from 1975. The respondents accordingly considered the case of the applicant and having found him fit for promotion, promoted him retrospectively from a date in 1975, and continued him till 1.7.1987 at Bangalore Military School. On 1.7.1987, respondent No.1 transferred the applicant as Master (Gazetted) to a military school at Chail (Himachal Pradesh), vide document 'B'. This application is directed against the said order of transfer.

3. Shri Mohanarangam pleads that the applicant is running 52 years of age, and his children are all studying in Bangalore, and it would be difficult for him to shift from Bangalore to a distant place like Chail, where school facilities may also not be available. If the order of transfer to Chail cannot be quashed for any reason, the applicant is even prepared to apply for voluntary retirement from service, and also seek waiver of three months' notice, so that he may retire from service immediately.

4. Shri Mohanarangam states that there is a vacancy of Master (Gazetted) at Belgaum, and if the applicant is accommodated there, his problems would be solved.

P. J. - 42

/4/

(1) The applicant will immediately, i.e., before 1.8.1987, apply for voluntary retirement under FR 56(k) and seek waiver of notice that is required to be given normally;

(2) On receipt of the application of the applicant for voluntary retirement, the respondents will permit the applicant to retire w.e.f. 1.8.1987 waiving the notice that is otherwise required.

8. The application stands disposed of, as indicated above. Parties to bear their own costs.

Sd -----

MEMBER(A)

Sd -----

MEMBER(J)

dms/280787.

"True copy"

B. V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL CLERK
BANGALORE

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5. Shri Padmarajaiah states that the applicant cannot be posted at Belgaum, irrespective of whether there is a vacancy there or not, because the services of a Master (Gazetted) are needed in Chail. Such transfers are routine in Military Schools, and the decision to transfer the applicant is purely an administrative action, ^{with} ~~in~~ which this Tribunal should not interfere.

6. We have considered the matter carefully. We agree with Shri Padmarajaiah that transfer is an ^{Government} incident of/service, and purely an administrative action, with which we would be loathe to interfere. However, we have to take note of the offer of Shri Mohanarangam that the applicant is prepared to apply for voluntary retirement under 56(k) of the Fundamental Rules and seek ~~waiver~~ of notice. If the respondents are prepared to waive the three months' notice, which ^{he can retire immediately.} has to be given normally/ Shri Mohanarangam also states that the applicant is suffering from Hypertension and the posting to Chail, which is at a high ^{altitude} ~~location~~, would adversely affect his health.

7. In the special circumstances of this case, we issue the following directions:

P. S. V.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE.

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and

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MEMBER(J)

dms/280787.