

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

Commercial Complex(BDA),  
Indiranagar,  
Bangalore- 560 038.

Dated: 2-11-87

APPLICATION NO 861 /87 (F)

W.P.No. \_\_\_\_\_

APPLICANT

vs

RESPONDENTS

Shri B. Jinmaya Naik  
To

1. Shri B. Jinmaya Naik  
Senior Section Supervisor  
Office of the Telecom District  
Engineer

Mangalore

2. Shri M. Narayana Swamy  
Advocate  
8111 (upstairs)  
V 16 Block, Rajajinagar  
Bangalore - 560010.

3. The General Manager  
Telecommunications  
Karnataka Circle  
Bangalore - 560009.

- The GM, Telecommunications,  
Karnataka & 2 Ors

4. The Telecom District  
Engineer  
'A Sheervad'  
Ganapathi Road  
Mangalore - 1.

5. The Telecom District  
Engineer  
Madiikeri  
Coorg District

6. Shri M.S. Padmarajiah  
Central Govt. Legal Counsel  
High Court Buildings  
Bangalore - 560001.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY/  
INTERIM ORDER passed by this Tribunal in the above said application  
on 27-10-87.

RECEIVED 6 copies 3/11/87

Diary No. 13.72 (on/8)

Issued Date: 4/11/87 8

Encl: as above.

*B.V. Chundad*  
Deputy Registrar —  
(JUDICIAL)

OK

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE TWENTYSEVENTH OCTOBER, 1987

Present: Hon'ble Justice Shri K.S. Puttaswamy ... Vice  
Chairman  
Hon'ble Shri L.H.A. Rego ... Member (A)

APPLICATION NO. 861/87

Shri B. Jinnayya Naik  
S/o. B. Babu Naik  
Aged 43 years  
Senior Section Supervisor  
Office of the Telecom District  
Engineer  
Mangalore. ... Applicant  
(Shri M. Narayanaswamy, Advocate)

Vs.

1. General Manager  
Telecommunication  
Karnataka Circle  
Bangalore-9.
2. The Telecom District Engineer  
'Asheervad'  
Ganapathi Road  
Mangalore-1.
3. The Telecom District Engineer  
Madikere. ... Respondents  
(Shri M.S. Padmarajaiah, Advocate)

This application has come up for hearing  
before this Tribunal today, Hon'ble Justice Shri K.S.  
Puttaswamy, 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. Shri D. Jinnayya Naik, the applicant before us, was working as Senior Section Supervisor (SSO) in the office of the Telecom District Engineer, Mangalore. His wife Smt. Prema J. Naik is working as a Telephone Operator at Mangalore.

3. In his order dated 24.7.1987 (Annexure B) the General Manager, Telecom, Karnataka Circle, Bangalore (GM) had sanctioned the shifting of one of the posts of SSO, Mangalore to Telecom District, Madikeri of Coorg District and in furtherance of the same by his order made on 30.9.1987 (Annexure B) had transferred the applicant to Madikeri office. The applicant has challenged the same on the ground that the GM in transferring him only without even attempting to accommodate his wife at Madikeri had violated the guidelines issued by Government in that behalf.

4. On the directions of this Tribunal, the respondents have entered appearance and have produced their records.

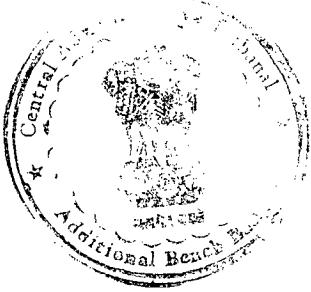
5. Shri M. Narayanaswamy, learned counsel for the applicant contends that the GM in shifting the post of an SSO from Mangalore to Madikeri/transferring the applicant to Madikeri retaining his wife at Mangalore, had violated the guidelines issued by Government regulating transfers and had acted **illegally**.



6. Shri M.S. Padmarajaiah, learned Senior Government Standing Counsel appearing for the respondents, contends that the shifting of the post and transfer were necessitated by public interest and that if the wife of the applicant makes an application to transfer her to Madikeri the same will be dealt on its own merits sympathetically.

7. The General Manager had shifted one of the posts of SSO from Mangalore to Madikeri on administrative grounds or in the public interest on which ground only he had also transferred the applicant from Mangalore to Madikeri. Without any doubt the orders are made on administrative grounds or in public interest. If the orders made are within the jurisdiction and power of the authority and are made in public interest then this Tribunal cannot take exception to them on any ground at all. We see no merit in the challenge of the applicant to the impugned orders.

8. We have no doubt that the transfer of the applicant causes him, his wife and children some inconvenience. But then, that is also a matter to be examined and decided by the administration itself and steps taken to unite the applicant and his wife at Madikeri if feasible with all such expedition as is possible in the circumstances. We have no doubt that the GM will do so.



9. In the light of our above discussion we hold that the application is liable to be dismissed. We, therefore, dismiss this application with no order as to costs.



Sd/-

(K.S. PUTTASWAMY) 27/11/85  
VICE CHAIRMAN

Sd/-

(L.H.A. REGO)  
MEMBER (A)

- True Copy -

Mr.

*B.V. Venkatesh*  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL 27/11/85  
ADDITIONAL BENCH  
BANGALORE