

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 16th FEBRUARY 1987

Present : Hon'ble Sri Ch. Ramakrishna Rao - Member (J)

Hon'ble Sri L.H.A. Rego - Member (A)

Review Application No. 1/87
(A.No. 1456/86)

The General Manager Telecommunications
Karnataka Circle & anr

(Sri. M.S. Padmarajaiah, Senior C.G.S.C.)

and

K. Ghante

(Sri M.R. Achar)

This review application came up for
hearing before this Tribunal and Hon'ble Sri
Ch. Ramakrishna Rao, Member (J) to-day made the
following

O R D E R

In the application for review ('RA') of our
order dated 2.9.1986 ('order') filed by the respondents
in the original application ('OP') the main ground
urged in paragraphs 6 to 8 are that we ignored to take
into account the fact that the applicant was serving
as a Junior Engineer ('JE') under the Divisional
Engineer ('DE') for over three years and it was not
the particular happenings as JE (Cables) Dharwar, which
made the DE (Phones) to recommend for transfer as
also the fact that the applicant was an average worker.
2. - The facts referred to above were very much in our
mind when we passed the order and, from the content and

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tenor of our order, it is amply clear that we concentrated on the question whether the order of transfer was actuated by malafides on the part of the respondents. We have given cogent reasons for arriving at the conclusion that the order of transfer was effected as a measure of punishment and as such suffered from the vice of malafides. We, therefore, see no reason to review our order on this ground.

3. The next ground urged in the RA ^{is} that we proceeded ~~and~~ on the assumption that the transfer was effected by R2. On a perusal of our order we find that even in the opening paragraph we stated that the prayer of the applicant was to set aside the impugned order passed by respondent R1 and not R2 as alleged. We, therefore, find that there is no substance in the statement made in the RA that we proceeded on a wrong assumption.


4. Turning to the remaining grounds urged in the RA we allow the same and direct the Registry to effect the following amendments in our order dated 2.9.1986 :


Para Line

	2	14	for 'Madikere T.D'	read 'Gonikoppal'
Page	4	17	for 'Madikere'	read 'Gonikoppal'
	8	3	for 'Madikere'	read 'Gonikoppal'

Delete para 9 and renumber para 10 as 9.

5. The review application is partly allowed to the extent indicated above.


Member (J)


Member (A)