

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 13 Oct '87

APPLICATION NO 742 /87(F)

W.P.No. _____

APPLICANT

VS

RESPONDENTS

Sub-Dist. Officer,
Telephones, Tumkur & 2 cos.

To

1. Sri R. Jayashankar,
'Renuka Nilaya'
Opp. Kile-Muddu Basavenkara-
- Temple,
Panduranga Nagar,
TUMKUR.

2. Dr. M. S. Nagaraja, Advocate,
No. 35 (Above Hotel Sreegathi)
1st Main Road,
Gandhinagar,
Bangalore - 560 009.

3. The Sub-Divisional Officer,
Telephones, TUMKUR. - 572101

4. The Telecom District
Engineer,
TUMKUR. - 572102

5. The General Manager,
Telecommunications,
Karnataka Circle,
Bangalore.

6. Sri D. S. Radharaman,
Advocate (CGSC),
High Court Building,
Bangalore-1.

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 23 Sep 87.

RECEIVED 6 Copies 14/10/87.

Diary No. 1306/02/87

Date: 15.10.87

SECTION OFFICER
(JUDICIAL)

Encl: as above.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THE 28th DAY OF SEPTEMBER 1987

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

Hon'ble Shri P.Srinivasan - Member (A)

~~DATED~~ ~~THE~~

APPLICATION No.742/87(F)

R. Jayashankar - Applicant

'Renuka Nilaya'

Opp: Kote Muddu Basaveswara Temple
Panduranganagar, Tumkur

(Dr. M.S. Nagaraja, Advocate)

v

1. The Sub-Divisional Officer
Telephones, Tumkur

2. The Telecom District Engineer,
Tumkur

3. The General Manager
Telecommunications
Karnataka Circle, Bangalore

- Respondents

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

This 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

The applicant, who was working as Telephone
Operator at Tumkur, complains in this application against
his transfer from Tumkur to Kolar ordered by the Telecom
District Engineer, Tumkur (Respondent 2 : R/2) and
conveyed to him by the Sub-Divisional Officer (Phones)
R1 by letter dated 9.7.1987 (Annexure A-1).

2. Dr. M.S. Nagaraja, learned counsel for the
applicant, fervently pleaded that the transfer effected
by order dated 8.7.1987 was in the nature of punishment
and so it should not have been made without giving his

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client an opportunity of being heard. The applicant was told that he had to be transferred because of a complaint made against him by Shri G.S.Basavaraj, M.P. Dr. Nagaraja submits that on receiving such a complaint the authorities should have instituted an inquiry against the applicant and given him an opportunity of being heard and the soft option of transferring him should not have been resorted to thereby putting him to considerable inconvenience. The applicant's wife is also working in the same office at Tumkur. The applicant had not completed the necessary tenure to make him eligible for transfer. Normally transfers are made during January to April after giving advance notice in December so that children's schooling is not affected. This transfer was effected in July 1987 without any notice. Further the applicant was the Secretary of the local Unit of Class III Union of Tumkur and in that capacity he had immunity from transfer and even this immunity had been violated. The guidelines for transfer having been violated, the Respondents should have furnished some reason to justify the departure but that has not been done.

3. Shri M.S.Padmarajaiah, learned counsel for the Respondents, contends that the applicant was transferred for administrative reasons. The guidelines that husband and wife should not be separated, that transfer should be made only after completion of certain tenure, that transfers be made in January/April after advance notice in December and that office-bearers of Union should not be transferred are not inviolable. A person can still be transferred for administrative reasons and that is

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precisely what happened here. Therefore, this Tribunal ^{al} should not interfere with the transfer of the applicant.

4. We have carefully considered the rival contentions and also perused the records produced by the Respondents in which the complaint of the MP, Sri G.S.Basavaraj, was dealt with. True, R-1 did submit a report but he did not categorically state therein that the applicant was rude in his behaviour to the MP, though he felt that the applicant could some times have been harsh to superiors and public. In view of this, Director Telecom thought it better to transfer the applicant from Tumkur. His only reservation was that the applicant being office-bearer of a Union immunity from transfer may stand in the way. However, it was thereafter clarified that the applicant was holding the office for the third year and hence the immunity did not apply. We are satisfied that the transfer was made primarily for administrative reasons because, according to the authorities concerned, the applicant was not able to get on well with his superiors and public. We, therefore, hold that the order of transfer was passed in the interest of the public and it does not suffer from any infirmity.

5. We would, however, suggest that at the earliest opportunity the applicant's wife could also be transferred to Kolar so that both of them stay at the same place and do not suffer any inconvenience.

6. In the result, the application is dismissed subject to the observations made above. Parties to bear their own costs.



-True copy-

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-
MEMBER(J)

Sd/-
MEMBER(A) 28/9/84