

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

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

Dated: 20 Nov 87

APPLICATION NO 918 /87 (F)

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

APPLICANT

Vs

RESPONDENTS

S.K. Ramachandra  
To

Suptt. Telegraphic Traffic Divn,  
Mangalore and 20rs.

1. Sri S.K. Ramachandra,  
Teleman, DTO, Shimoga.
2. Sri M. Raghavendra Achar,  
Advocate,  
No. 1074 - 75, BSK 1st Stage,  
Bangalore - 50.
3. The Superintendent,  
Telegraphic Traffic Division,  
Mangalore.
4. Sri Y.R. Chowgule,  
Assistant Telegraphic Incharge,  
DTO, Shimoga.
5. Sri S.H. Karnat,  
Section Officer, DTO, Shimoga.

G. Sri M. Varadava Rao,  
Advocate (CGSC),  
High Court Bldg,  
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 18 Nov 87.

RECEIVED 6 copies 23/11/87

Diary No. 1453/SP/87

Issued Date: 23.11.87 AD

Encl: as above.

DEPUTY REGISTRAR  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 18TH DAY OF NOVEMBER, 1987.

PRESENT:

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

.. Vice-Chairman.

And

Hon'ble Sri P. Srinivasan,

.. Member(A)

APPLICATION NUMBER 918 OF 1987.

S.K. Ramachandra,  
Son of Krishnappa,  
Aged about 33 years,  
Teleman, DTO., Shimoga.

.. Applicant.

(By Sri M. Raghavendra Achar, Advocate)

v.

1. The Superintendent,  
Telegraphic Traffic Division,  
Mangalore.
2. Y.R. Chowgule,  
Assistant Telegraphic Incharge,  
DTO, Shimoga.
3. S.H. Kamat,  
Section Officer,  
DTO, Shimoga.

.. Respondents.

(By Sri M. Vasudeva Rao, Standing Counsel)

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

ORDER

In this application made under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged memo No. ST-2/Gp-D/87 dated 14-10-1987 (Annexure-A) of the Superintendent, Telegraph Traffic Division, Mangalore ('Superintendent') - respondent No. 1. Prior to 14-10-1987 the applicant was working as a Group-D official



official in the office of the DTO, Shimoga. On 14-10-1987 the Superintendent had transferred the applicant from Shimoga to Chickmagalur DTO's office. In pursuance of the said order, the applicant has reported for duty at Chickmagalur.

2. Sri M.Raghavendra Achar, learned counsel for the applicant contends that the transfer made by the Superintendent was as a measure of punishment and was not really in the public interest.

3. Sri M.Vasudeva - Rao, learned Additional Central Government Standing Counsel, appearing for the respondents, contends that the transfer had been effected by the Superintendent in the public interest and not as a measure of punishment.

4. In his order the Superintendent had stated that he was transferring the applicant from Shimoga to Chickmagalur in the interests of service or in the public interest. Every one of the allegations made by the applicant do not displace the correctness of that statement. If that is so, we must necessarily accept the statement of the Superintendent that he was transferring the applicant in the public interest only.

5. In his application the applicant has not alleged personal bias against the superintendent who made the order of transfer. Every one of the allegations made by the applicant is against a subordinate official viz., Sri Y.R.Chougule, who happened to be his immediate superior and was not the person that effected the transfer. In the absence of allegations made by the applicant against the Superintendent, the allegations of mala fide, if any, attributed by the applicant against Sri Y.R.Chougule will not in any way advance the case of the applicant. On any view of the matter, this is not a fit case in which this Tribunal should interfere with the order of the Tribunal made by the Superintendent in the public interest.

6. In the light of our above discussion, we hold that this application is liable to be rejected. We, therefore, reject this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

*Sd/-*  
VICE-CHAIRMAN

*Sd/-*  
MEMBER(A)

np/

- True copy -



*[Signature]*  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE