

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 14 JUL 1988

APPLICATION NO 986 / 88 (F)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri S. Basavarajaiah

The Regional Provident Fund Commissioner,
Bangalore

To

1. Shri S. Basavarajaiah
28/1, 25th Main
West of Chord Road
Bangalore - 560 040
2. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
3. The Regional Provident Fund Commissioner
Karnataka
Bhavishya Nidhi Bhavan
13, Rajaram Mohan Roy Road
Bangalore - 560 025
4. Shri R. Gururajan
Advocate
83/1, 1st Floor, Vth Cross
Mallieswaram Circle
Bangalore - 560 003

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~/copy/~~

~~INTERIM ORDER~~ passed by this Tribunal in the above said application

on 11-7-88.

*Recd of Two Copies for
Self and Advocates.*

Encl: as above.

(S. Basavarajaiah)
Applicant

[Signature]
SECTION OFFICER
(JUDICIAL)

9/8/88

11-10-88

14-7-88

14/7/88

9c

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE ELEVENTH DAY OF JULY, 1988.

Present: Hon'ble Shri Justice K.S. Puttaswamy

.. Vice Chairman

Hon'ble Shri L.H.A. Rego

.. Member (A)

APPLICATION NO. 986/1988

Shri. S. Basavarajaiah
Aged 48 years
S/o. Late Siddaveerappa
28/1, 25th Main
West of Chord Road
Bangalore - 560 040.

.. Applicant

(Dr. M.S. Nagaraja, Advocate)

Vs.

The Regional Provident Fund Commissioner,
Karnataka
Bhavishya Nidhi Bhavan
Rajaram Mohan Roy Road
Bangalore 6 560 025.

(Shri Gururaj, Advocate)

.. Respondent

This application having come up for hearing today,
Hon'ble Vice Chairman made the following:-

O R D E R

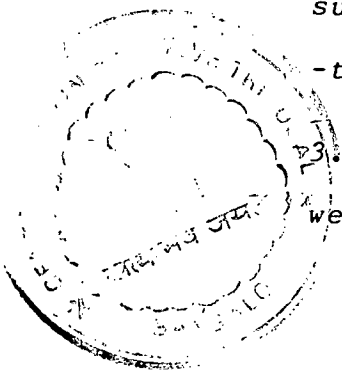
In this application made under section 19 of the Administrative Tribunals Act, 1985 (Act), the applicant has challenged order no. KN/Vig/62/88 dated 10-5-1988 (Annexure A-2) of the Regional Provident Fund Commissioner, Karnataka (Commissioner) in so far as it pertains to his posting to the Sub-Regional Office, Mangalore (SRO, Mangalore) only. On 1-7-1988 we directed issue of notice of admission to the respondent and in pursuance of the same Shri R. Gururaj, learned

Advocate, has appeared for the respondent and has produced the records. We have heard Dr. M.S. Nagaraja, learned counsel for the applicant and Shri Gururaj. We have also perused the records. We are of the view that the posting of the applicant to SRO Mangalore does not suffer from any infirmity to warrant our interference on any of the grounds urged by the applicant. On this view, Dr. Nagaraja, prays that the applicant be permitted to join SRO Mangalore availing the necessary joining time computing the same from this day, treating the period from 21.6.1988 to this day as compulsory waiting. We consider it proper to grant these requests of the applicant on the special circumstances that had developed.

2. Shri Gururaj, in our opinion, rightly submits that the transfer TA advance admissible under the rules will be paid to the applicant for which purpose it is open to him to go to the office of the respondent and collect the same. On this submission, it is unnecessary to issue any direction on this aspect.

In the light of our above discussion, we make the following orders:-

- (1) We uphold the posting of the applicant in SRO Mangalore in the impugned order dated 10-5-1988 and reject this application.
- (2) But notwithstanding the above we direct that the period from 10-5-1988 till this day be treated as compulsory waiting for which period he will be



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entitled to full salary and allowances and necessary joining time to join SRO Mangalore be computed from this day only and not from 21-6-1988 on which he was relieved.

4. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.

sd/-

VICE CHAIRMAN

sd/-

MEMBER (A) 14.7.1988



mr.

TRUE COPY

[Signature] 14/7/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE