

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex(8DA)  
Indiranagar  
Bangalore - 560 038

Dated : 8 FEB 1989

APPLICATION NO (R) 131 /89(F)

W.P. NO (S)

Applicant (R)

Respondent (S)

Shri P.M. Yogendran  
To

V/s The Divisional Personnel Officer, South Central  
Railway, Hubli & another

1. Shri P.M. Yogendran  
C/o Shri S.R. Bannurmath  
Advocate  
No. 39, 'Laxmi Nivas'  
5th Cross, Vasanthanagar  
Bangalore - 560 052
2. Shri S.R. Bannurmath  
Advocate  
No. 39, 'Laxmi Nivas'  
5th Cross, Vasanthanagar  
Bangalore - 560 052

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY~~/~~INTERIM ORDER~~  
passed by this Tribunal in the above said application(R) on 6-2-89.

Received two Copies

on 8/2/89

Editha

B.V. [Signature]  
DEPUTY REGISTRAR  
(JUDICIAL)

Encl : As above

[Sri G.S. Srikante Gowda]  
Adv.

issued  
K. m. [Signature]  
8/2/89

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 6TH DAY OF FEBRUARY, 1989.

PRESENT:

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

.. Vice-Chairman.

And:

Hon'ble Mr. P. Srinivasan,

.. Member(A).

APPLICATION NUMBER 131 OF 1989

P.M. Yogendran,  
S/o P.K. Mudda Krishna Naidu,  
Head Travelling Ticket Examiner  
(Sleeper Coach)  
Hubli Division, Hubli.

.. Applicant.

(By Sri S.R. Bannurmath, Advocate)

1. Divisional Personnel Officer, v.  
South Central Railway,  
Hubli Division, Hubli.
2. Divisional Railway Manager,  
South Central Railway,  
Hubli Division, Hubli.

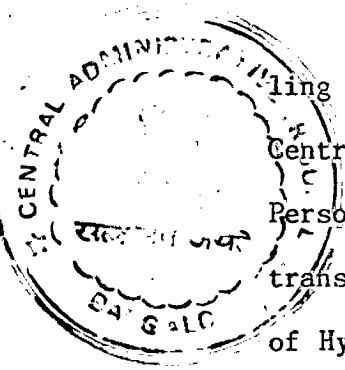
.. Respondents.

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

ORDER

In this application made under Section 19 of the Administrative Tribunals Act, 1985 ('the Act'), the applicant has challenged office order No. N/P.676/III/11/Vol. dated 13-7-1988 (Annexure-A6) of the Divisional Personnel Officer, Hubli ('DPO').

2. For the last 4 years the applicant is working as Head Travelling Ticket Examiner ('HTTE') in the Hubli Division of the South Central Railway ('SCR'). In pursuance of an order made by the Chief Personnel Officer ('CPO') of SCR in the impugned order, the DPO had transferred the applicant from Hubli to Purna (Pau) Railway Station of Hyderabad Meter Gauge Division along with the post on administrative grounds. On receipt of this order, the applicant made represen-



representations to cancel the same and retain him at Hubli or give him a posting to an adjoining division so that the education of his children studying Kannada medium is not adversely affected. But, the CPO and DPO have not acceded to those representations and have directed the relief of the applicant from 25-1-1989. Hence, this application.

3. Shri S.R.Bannurmah, learned counsel for the applicant contends that the transfer of his client to an entirely different region, where the medium of instruction was not Kannada and was different, contravenes the circular instructions issued by the Railway Board from time to time, illegal, improper and unjust.

4. In the order of transfer, the DPO had stated that the applicant had been posted to Purna Station along with the post on administrative grounds. In other words, the transfer of the applicant from Hubli to Purna is on the ground that the same was necessary in the public interest.

5. When the competent authority states that the shifting of the post with the incumbent was necessary on administrative grounds or in the public interest, this Tribunal, as pointed out by the Supreme Court in STATE OF MAHARASHTRA v. SABOJI [1980 SCC (L&S) 61] should normally accept the the same. Every one of the facts and circumstances pleaded by the applicant do not justify us to hold otherwise. In effecting the transfer, we have no doubt, that the competent officer had taken into consideration all relevant Rules and circulars and had effected the same as that was necessary in the public interest. From this it follows that we cannot interfere with the impugned order of transfer.

6. The fact that the transfer would cause hardship to the children of the applicant, is hardly a ground for us to interfere. In any event, this and other grounds can only urged by the applicant

before the authorities themselves who are free to examine and modify the earlier order, notwithstanding the fact that we have declined to interfere with the impugned order.

7. In the light of our above discussion, we hold that the application is liable to be rejected. We, therefore, reject this application at the admission stage without notices to the respondents.



sdl-  
VICE-CHAIRMAN. 6/2 P

sdl-  
MEMBER(A)

TRUE COPY

*R. V. Venkatesh*  
DEPUTY REGISTRAR (JDL) 8/27  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE