

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 21 APR 1989

APPLICATION NO (S) 369 / 89(F)

W.P. NO (S) _____

Applicant (s)

Shri S.N. Madagali

To

Respondent (s)

V/s

The Superintendent, Telegraph (Traffic),
Hubli & anr

1. Shri S.N. Madagali
Telegraphist
Departmental Telegraph Office
Gadag (Dharwad District)
2. Shri M. Raghavendra Acher
Advocate
1074-1075, 4th Cross
2nd Main, Sreenivasanagar II Phase
Bangalore - 560 050
3. The Superintendent
Telegraph (Traffic)
Hubli Division
Hubli - 20
4. The Assistant Superintendent
Telegraph (Traffic)
In-charge Departmental Telegraph Office
Gadag - 582 101
5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

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(S) on 17-4-89

Issued
K.V. in
21-4-89

dc By. Venkatesh Reddy
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 17TH DAY OF APRIL, 1989

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 369/1989

Shri S.N. Hadagali,
S/o Neelappa,
Telegraphist,
D.T.O. Gadag.

.... Applicant.

(Shri M. Raghavendrachar, Advocate)

v.

1. Superintendent,
Telegraph (Traffic),
Hubli Division,
Hubli.

2. Assistant Superintendent,
Telegraph (Traffic),
In-charge D.T.O.
Gadag.

.... Respondents.

(Shri M. Vasudeva Rao, C.G.A.S.C.)

This application having come up for hearing to-day,
Vice-Chairman made the following:

ORDER

Applicant by Shri M. Raghavendrachar. Respondents
by Shri M. Vasudeva Rao. Reply of the respondents filed.
Copy furnished to Shri Achar. We have heard both sides.

2. Prior to 31st March, 1989, the applicant was
working as a Telegraphist in the departmental Telegraph
Office, Gadag. In his order no.E/4-5/3/1 dated 31st
March, 1989, the Superintendent, Telegraph Traffic Division,
Hubli, (Superintendent) had transferred the applicant
from Gadag to Bellary, the validity of which is challenged



by him before us on diverse grounds. In their reply, the respondents have supported to impugned order.

3. Shri M.R. Achar, learned counsel for the applicant contends that the impugned order of transfer was discriminatory and violative of Articles 14 & 20(2) of the Constitution.

4. Shri Rao, sought to support the order of the Superintendent.

5. The fact that the applicant had been inflicted with a penalty in a departmental proceeding under the Central Civil Services (Classification, Control and Appeal) Rules 1965 did not take away the power of the Superintendent to transfer from one place to another. The penalty imposed under the CCA Rules is not a punishment within the meaning of the term 'punishment' occurring in Article 20(2) of the Constitution. (Venkataraman V. Union of India, AIR 1954 Supreme Court 375). On the principles enunciated in Venkataraman's case, this contention which is bereft of merit is liable to be rejected.

6. The fact that certain others proceeded under the CCA Rules had not been transferred from Gadag does not make the order of transfer discriminatory. We see no merit in this contention also.

7. An examination of the impugned order shows that the Superintendent had transferred the applicant from Gadag to Bellary on administrative grounds which he was

entitled to do. The fact that he had mentioned a few more words in the order of transfer which was wholly unnecessary does not make the order an illegal order.

8. When the competent authority on an examination of all the facts and circumstances had transferred the applicant on administrative grounds, this Tribunal cannot examine that order as if it is a court of appeal and come to a different conclusion.

9. On any view of the matter, the challenge of the applicant to the impugned order of transfer 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

13/4/89

Sd/-

MEMBER (A)

17-4-89

TRUE COPY

[Signature]
DEPUTY REGISTRAR (JD) *[Signature]*
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE