

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 10 FEB 1994

APPLICATION NO(s) 972 of 1993.

APPLICANTS: S.S.Jadagoudar v/s. RESPONDENTS: Supdt. of Post Offices,
Bagalkot Dvn., Bijapur and
Other.

TO.

1. Sri.M.Raghavendra Achar,
Advocate, No.1075 and 1074,
Banashankari First Stage,
Mysore Bank Colony,
Opp:Raghavendra Nursing Home,
Fourth main sub-cross,
Bangalore-560 050.
2. The Post Master General,
North Karnataka Region,
Bangalore-560 001. in
O/o.Chief Post Master General.
Bangalore-1.
3. Sri.M.Kasudeva Rao, C.G.S.C.,
High Court Bldg, Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-XXX-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 24-01-1994.

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For DEPUTY REGISTRAR 10/2
JUDICIAL BRANCHES.

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CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

O.A.NO.972/93

MONDAY THIS THE TWENTY FOURTH DAY OF JANUARY 1994

Shri Justice P.K. Shyamsundar ... Vice-Chairman

S.S. Jadagoudar,
S/o Shivappa Jadagoudar,
Aged 51 years,
The Then Sub-Post master,
Mahalingapur-587 312,
Mudhol Taluk,
Bijapur District.

... Applicant

[By Advocate Shri M.R. Achar]

v.

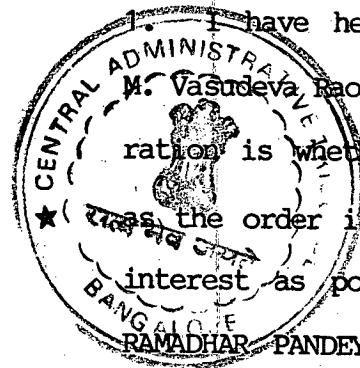
1. The Superintendent
of Post Offices,
Bagalkot Division,
Bagalkot,
Bijapur Distt.
2. The Post Master General,
North Karnataka Region,
Dharwar.

... Respondents

[By Advocate Shri M. Vasudeva Rao ...
Addl. Central Government Standing Counsel]

O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:



I have heard Shri M.R. Achar for the applicant and Shri M. Vasudeva Rao for the Department. The only point for consideration is whether the impugned order of transfer is sustainable as the order itself does not state that it was passed in public interest as pointed by the Supreme Court in JT 1993[4] SC 72 RAMADHAR PANDEY V. STATE OF U.P. AND OTHERS. That was a case

in which a similar order of transfer was quashed as bad because the order did not even cite that it was passed in public interest but the records produced for consideration by court, also did not indicate that the order of transfer was made in public interest. But herein I have been furnished the records relevant to the matter and from the records it is seen that the transfer was effected in public interest since it was found retention of the officer in the same post will be prejudicial to the administration in the light of some complaints made against him touching his integrity. Therefore, it becomes clear that the case on hand is clearly distinguishable from the decision of the Supreme Court in RAMDHAR PANDEY's case. I am satisfied the impugned order of transferred is in public interest. The Tribunal will not interfere with such orders unless it is found that the order is fraught with mala fides or it suffers from any illegality. This is not a case in which any mala fides have been alleged and the only point made is the omission to state that the order was made in public interest, an aspect which is otherwise proved by the records make it clear that the impugned order was actually made in public interest. The application, therefore, fails and is dismissed.

Sd-

VICE-CHAIRMAN

TRUE COPY

81/2
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

bsv