

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated: 6 JUL 1993

APPLICATION NO(s). 494 of 1993.

Applicant(s) Chandrashekar Hebbar Respondent(s) Director Telecom,
Mangalore & ors.

To

- ① Sri. Chandrashekar Hebbar
Sp. Marjunatha Hebbar (late)
T. Q., Assistant (T),
Manipal, Souk Kanara
- ② Sri. S.K. Mohiyuddin,
Advocate, No. 11,
Jeevan Buildings,
Kumarapark East,
Bangalore-560004.
- ③ The Director,
Telecom, Mangalore Area,
Telephone Exchange Bldg.,
Mangalore-1
- ④ The Superintendent,
Telegraph Traffic Division,
Mangalore-575003.
- ⑤ Sri. K. Vasudena Rao,
Central Govt Stng. Counsel,
High Court Bldg.,
Bangalore-1

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

Please find enclosed herewith a copy of the ORDER/
STAY/INTERIM ORDER passed by this Tribunal in the above said
application(s) on 16-6-93.

Issued
for

OC

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH : BANGALORE

TODAY THIS THE 16TH DAY OF JUNE, 1993

PRESENT

HON'BLE JUSTICE MR. P.K. SHYAMSUNDAR ... VICE CHAIRMAN

HON'BLE MR. V. RAMAKRISHNAN MEMBER (A)

APPLICATION No.494/93

Sri Chandrashekar Hebbar,
S/o. late Sri Manjunath Hebbar,
T.Q. Assistant (T),
Manipal, S.K. ... Applicant

(Shri S.K. Mohiuddin ... Advocate)

Vs.

1. Director, Telecom,
Mangalore area,
Telephone Exchange Building,
Mangalore-1.
2. The Superintendent, Telegraph,
Traffic Division, Mangalore-575 003. .. Respondents

(Shri M. Vasudeva Rao ... Advocate)

This application, having come up before this Tribunal for orders today, Hon'ble Justice Mr. P.K. Shyamsundar, Vice-Chairman, made the following:

Herein, the applicant who is working in the Manipal D.T.O., Department of Telecommunication office, has been shifted to take charge at Karwar is aggrieved for more than one reason, one of them is that in the normal expectation, his transfer was not due as he happened to be in the Group 'C' cadre but his expectation has been rendered futile by the planned administrative action taken to force him out of Manipal because he came to this Tribunal on an earlier occasion seeking redressal of a grievance against his eviction from official quarters and in the light of some directions of this Tribunal the instant transfer order was passed by the employer somewhat bent upon harassing the applicant.



It is also said that the applicant's wife is employed in a private Charitable Educational Institution at Manipal and his children are being educated in the special discipline of Music and Dancing at Manipal. Consequently on his shifting from Manipal to Karwar, his wife will have to forego her job and his children will be denied the opportunity of pursuing the career in Music and Dancing, etc.

2. It is mentioned at this stage that the applicant had approached us earlier in application No.216/53 and that application was disposed off by an order made on 25.2.93 wherein we asked the applicant to make a representation to the Department with regard to his eviction from the quarters and that the proceedings therein had ended in that manner. We are now told that a representation in that effect was turned down, the relevant endorsement issued by the Department being at Annexure A-5.

3. The learned standing counsel tells us that the applicant has been in Manipal and the twin town of Udupi since 1987 which means he has been more or less at the same place since the last 7 years. Surely, he has outstayed his normal tenure of 4 years. It is urged he cannot feel aggrieved by the transfer under the impugned order. Otherwise also we are not told that his transfer was covered by rules of administration depending on the administrative exigencies.

4. We see little substance in the contention that the impugned order thereby drags him out of the place because the applicant had approached us on an earlier occasion when the

department sought to evict from him from the quarters. We do not see any malafides connected with the earlier proceedings before the Tribunal and the order now made transferring him from Manipal to Karwar. The order simply says, the applicant being the senior-most employee in the unit was to improve the staff position at Karwar. That reason does not indicate malafide. We must make it clear that Courts are not to interfere with these transfer orders unless it is vitiated by malafide.

5. We find no malafides in the impugned order. It may be, as the applicant points out, if he is shifted from Manipal to Karwar it may entail some inconvenience to him and also to his family. But, that is always unavoidable. No civil servant can complain on that score and seek to have a transfer order set at nought. For the reasons indicated above, this application fails and is dismissed.

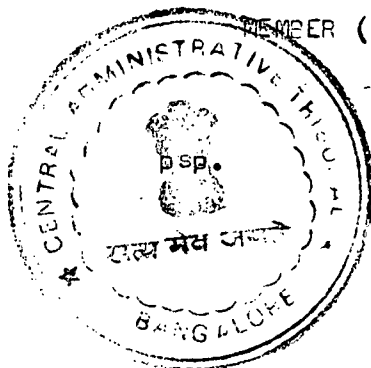
6. Shri S.K. Mohiuddin requests leave to retain the quarters at Manipal for three more months. We direct the department to permit the applicant to retain the quarters for three more months from today.

Sd-

Sd-

[Signature]

VICE CHAIRMAN



TRUE COPY

[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

6/7/93