

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated: 4 NOV 1993

APPLICATION NO(s) 570 of 1993.

APPLICANTS: R.Venkappa v/s. RESPONDENTS: Ministry of Communications,  
New Delhi and Other

TO.

1. Sri.M.Raghavendra Acher, Advocate,  
No.1074 and 1075, Fourth Cross,  
Mysore Bank Colony,  
Opp:Raghavendra Nursing Home,  
Sreenivasanagar Ist Phase,  
Banashankari II Stage, Bangalore-50.
2. The Chief General Manager,  
Telecom Centre, Karnataka Circle,  
No.1, Old Madras Road, Ulsoor,  
Bangalore-560 008.
3. Sri.G.Shanthappa, Central Govt.Stng.Counsel,  
High Court Building, Bangalore-560001.

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 26th Oct'1993.

Issued  
for  
gmc

for  
g/c

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

4/11/93

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH : BANGALORE

DATED THIS THE TWENTY SIXTH DAY OF OCTOBER 1993

Present:

Hon'ble Mr. Justice P.K. Shyamsundar ... Vice-Chairman

Hon'ble Mr. V. Ramakrishnan ... Member [A]

APPLICATION NO.570/93

R. Venkappa  
S/o Ramappa,  
Aged about 49 years  
Senior Assistant  
Engineer [Estimates],  
O/o the Telecom Dist. Engineer,  
Davanagere.

... Applicant

[Shri M.R. Achar ... Advocate]

v.

1. The Union of India  
Ministry of Communication,  
Dept. of Telecom,  
Sanchar Bhavan, New Delhi.
2. The Chief General Manager,  
Telecom,  
Karnataka Circle,  
Bangalore.

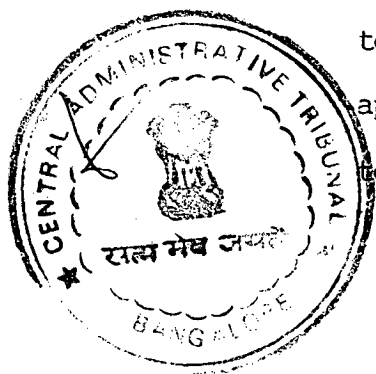
... Respondents

[Shri G. Shanthappa ... Advocate]

This application having come up for admission before this Tribunal today, Hon'ble Vice-Chairman, made the following:

ORDER

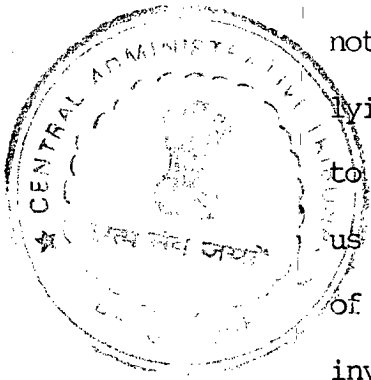
1. Heard. Admit. The applicant herein who is now working at Davanagere seeks transfer to a dry place like Challakere, Hosadurga, Ranebennur. His request for transfer ~~is~~ based on the ground that the climatic condition at Davanagere is not suitable as he suffers often from Branchotitis. <sup>has been well explained</sup> It appears he was shifted from Bangalore to Davanagere in the year 1990. He made an application for transfer in 1991 and was then told that mandatorily he should wait for two years. Subsequently he has made



representations not once but several times requesting the department to shift him to any other place ie., Challakere, Hosadurga or Ranebennur on the ground that that the climate at Davanagere is not conducive to his health.

2. We do not know why the department is opposing this application but they have nonetheless filed a very lengthy objection statement explaining <sup>the</sup> reasons for not transferring him and in doing so no right of the applicant has been violated etc.

3. The point that arises for our consideration is whether the applicant is eligible for transfer on the ground of his continued ill health at Davanagere. He has completed more than two years of stay at Davanagere and probably in the usual course he should have been considered for a change outside Davanagere. Although he has made some allegations that the department is guilty of practising favouritism in giving postings but that allegation has been denied and we <sup>also</sup> do not give any credence thereto. But if the man has completed more than three years at Davanagere and is eligible to be shifted out it is appropriate for the department to consider posting him outside Davanagere if not to places of his choice but to any other place in Karnataka lying in a dry belt area on health grounds. Necessary action to be taken in this regard within three months. Shri Achar tells us that the higher officer had strongly recommended the case of the applicant for transfer as is found at Annexure A-7. We invite attention of the department to Annexure A-7 for doing the needful in the matter. With these observations we dispose off this application finally. No costs.



TRUE COPY

MEMBER [A]

VICE-CHAIRMAN

bsv