

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 31 JAN 1994

APPLICATION NO(s) 788/93

APPLICANTS:

DR. K.V.V.L. Narasimha Rao
TO.

RESPONDENTS:

Dr. K. Annamalai
& another

1. Sri M.S. Nagaraj, Advocate, No. 11,
II Floor, Sreejatha Complex, Cross
Gandhi Nagar, Bangalore-9.
2. DR. E. Annamalai, Director Central
Institute of Indian Languages
Mysore-6.
3. Union of India, by its Secretary
to Govt of India Department of
Edn Ministry of Human Resources
Department Shastri Bhawan - C Wing
New Delhi-1.
4. Sri M.S. Padmanabhaiah, Senior Counsel
for Central Govt, High Court Building
Bangalore.

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

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Please find enclosed herewith a copy of the
ORDER/~~STAY ORDER~~/~~INTERIM ORDER~~/, Passed by this Tribunal
in the above mentioned application(s) on 5.1.94.

Issued on
2/2/94

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DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 788 OF 1993

WEDNESDAY THIS THE 5TH DAY OF JANUARY, 1994.

Mr. Justice P.K. Shyamsundar, ... Vice-Chairman.

Mr. V. Ramakrishnan, ... Member(A)

Dr. K.V.V.L. Narasimha Rao,
S/o late K.V. Krishna Rao,
Aged 52 years,
M-43, I Phase, HUDCO,
Kuvempunagar, Mysore-570 023. .. Applicant.

(By Advocate Shri M.S. Nagaraja)

v.

1. Dr. E. Annamalai,
Director, Central Institute
of Indian Languages, Mysore-570 006.
2. Union of India,
represented by the Secretary to
Government of India, Department
of Education, Ministry of Human
Resource Development,
Shastry Bhavan 'C' Wing,
New Delhi-110 001. .. Respondents.

(By Standing Counsel Shri M.S. Padmarajaiah)

ORDER

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

Having heard Dr. M.S. Nagaraja, learned counsel for the applicant and Shri M.S. Padmarajaiah, learned Standing Counsel, we think it inappropriate to interfere with this proceeding which is all about shifting the applicant from the post of Principal, Southern Regional Language Centre, to Central Institute of Indian Languages, Mysore and posting somebody else in his place. The learned Standing Counsel was good enough to make available to us the relevant file bearing on the alleged transfer and shifting of the applicant from Southern Regional Language Centre to some place else.



2. The two posts, it is not denied are interchangeable and it is also not denied that by walking out of the principal's room and joining the post at CIIL the applicant does not suffer monetarily because salary is same, same allowances and same financial advantages also obtain at CIIL office. He cannot contend that he has been brought down in any manner. The change has not affected the applicant in any manner at all except his *signature* *phs*he.

3. From the files which are in our possession to-day, it becomes clear that the order was effected after obtaining concurrence of the Human Resources Minister at Delhi because the Director of the Institute i.e., the head of the organisation wanted the particular person viz., applicant Dr.K.V.V.L.Narasimha Rao to work as Reader-cum-Research Officer, CIIL, Mysore because of his vast experience in evaluating regional centre programmes. We wish to excerpt the note in the file on the basis of which the transfer was effected. The note is as follows:-

"2. In the action programme of the revised NEP, the Government emphasise streamlining and strengthening the implementation of the Three Language Formula. Accordingly, it becomes necessary for the Institute to review and evaluate RLC programmes and modify it, if necessary.

3. The Institute have further stated that a comprehensive and in-depth evaluation in this regard can be done only by a person who has long experience with the RLC programmes and as training in evaluation. Dr. Rao, Principal SRLC, Mysore has been working as Principal from 3-8-1977 and has good amount of experience with the programmes of RLC. He was trained in evaluation abroad and he worked in the Institute in this area before joining SRLC. The Institute would like to make use of his expertise and experience for the proposed evaluation of RLC programmes. This will

be a full time job. It will involve dealing with not only the 6 centres of the Institute and their staff, but also the State Governments, the former trainees, their schools and their educational officers.

4. The Institute have requested the Ministry to issue orders of transfer of Dr.K.V.V.L.Narasimha Rao to work in the CIIL for 2 years to begin with. After the evaluation which may take a year, restructuring of the RLC programmes and implementing and monitoring the restructured programme may require another year or more. The Institute have suggested to bring the transfer of Dr.Rao into effect from May 1993 as the current academic session of the SRLC, will be over by 30.4.1993. Dr. Viswanatham who is currently working as RRO at the Institute may be transferred and posted as Principal, SRLC, Mysore. Dr. Viswanatham meets qualifications prescribed in RRs for the post".

The above excerpt makes it clear that nothing further was in the mind of the Director of the Institute or anybody else ~~that~~ of injuring the applicant in any manner. The submission of Dr. Nagaraja is that Dr.Annamalai, the all powerful director of the Central Institute of Indian Languages under whom the applicant works had taken a needlessly strong dislike to him and has recorded adverse entries in one of the ACRs against which one more application was pending before us, all of which seems to be besides the point. We cannot dwell the heart and mind of the Director Annamalai to know what is working within him , but the file which we have before us makes it very clear that the applicant was specially commended for the new job because of his expertise and the excellent credentials particularly tuned to undertake the work of evaluating programmes for the Human Resource Development Ministry an experiment undertaken at a huge cost and expenditure.

4. We find the applicant in his new place will be working



in a larger area with more people under his control with lot of responsibility etc. and surely he cannot assert all this had been done to humiliate him. We see no substance in the submissions of the applicant that the impugned order of transfer is mala fide etc. What is more, the note referred to above makes it clear the new assignment at CIIL, Mysore is only for two years initially and when the work is over he can go back to his former perch. But, at present he must move.

For the foregoing reasons, this application fails and is dismissed. No costs.



Sd-
MEMBER(A)

Sd-
VICE-CHAIRMAN.

TRUE COPY

Sc Shaukat
31/1/94