

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated 21 DEC 1993

APPLICATION NO(s) 873 of 1993.

APPLICANTS: Harinath B. Shirali      RESPONDENTS: Divisional Personnel Officer, Southern Railway, B'llore & Ors.

TO.

1. Sri. I.R. Biradar,  
Advocate, No. 84,  
Okalipuram, Bangalore.
2. The Divisional Personnel Officer,  
Southern Railway, Bangalore City,  
Bangalore-560 023.
3. Sri. A.N. Venugopal Gowda,  
Advocate, No. 8/2, Upstairs,  
Opp: Bangalore Hospital,  
R.V. Road, Bangalore-4.

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 30-11-1993.

*[Signature]*  
for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

*(Issued)*

CETRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

O.A.No.873/93

TUESDAY THIS THE THIRTIETH DAY OF NOVEMBER 1993

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

Shri V. Ramakrishnan ... Member [A]

Harinath B. Shirali,  
S/o B.N. Shirali,  
Aged about 42 years,  
Occ:Head Clerk,  
Railway Department [PW-I/Mys 'B'],  
Residing at 212 Type 2A,  
Southern Railway,  
Bangalore-23.

... applicant

[By Advocate Shri T.R. Biradar]

v.

1. Divisional Personnel Officer,  
Southern Railway Division,  
Bangalore City,  
Bangalore-560 023.
2. Chief Engineer Construction Officer,  
Southern Railway,  
Cantonment,  
Bangalore.
3. The Office of PWI/MYS 'B',  
Mysore, Southern Railway,  
Mysore.
4. Senior Divisional Engineering,  
Works Branch,  
Southern Railway,  
Bangalore.

... Respondents

[By Advocate Shri A.N.Venugopal, Counsel for Railways]

ORDER

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

1. This is an application challenging an order transferring the applicant from Bangalore to Mysore. The applicant claims that he is a handicapped person and that the transfer would seriously affect him and his family members would be exposed



to grave hardship, etc. The railways, which is the concerned department, seriously contest, this application and have filed their objection, pointing out that the applicant had to be necessarily transferred out because he was the subject matter of investigation by the CBI on serious allegations like forging certificates etc. Shri A.N. Venugopal for the Railways, tells us that the department has since obtained sanction to prosecute the applicant before court and is also proposing to take departmental action against the applicant. Be that as it may we find that the applicant has since joined the new posting at Mysore and has also claimed transfer allowance etc., as per letter dated 14.9.1993. Since he has joined the post at the place to which he was transferred, we think it proper not to pursue the matter further particularly as we now see that a prosecution is in the offing and the applicant is better off staying at Mysore rather than at Bangalore as that would be conducive to better administration. We, therefore, see no substance in this application and dismiss the same. No costs.

Sd/-

MEMBER[A]

bsv

Sd/-

VICE-CHAIRMAN

TRUE COPY

SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

21/12/93