

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated:- 5 JUL 1994

APPLICATION NUMBER: 210 Of 1994

APPLICANTS:

Sri. Cherian Kyrian v/s. The Director General, E.S.I. Corp.
T.O. New Delhi and Others.

RESPONDENTS:

1. Sri V. Narasimha Holla, Advocate,
No. 317, Twelfth A Main, 75/15 Cross,
Sixth Block, Rajajinagar, Bangalore-10.
2. The Regional Director,
E.S.I. Corporation,
Karnataka Region, No 10,
Bangalore-560023.
3. Sri. M. Papanna, Advocate,
No. 99, Magadi Chord Road,
Vijayanagar, Bangalore-10.

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

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 22nd June 94.

Issued on
5/7/94

R.

O/C

S. Srinivas
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

APPLICATION NO. 210/1994

DATED THIS THE TWENTYSECOND DAY OF JUNE, 1994

Mr. T.V. Ramanan, Member (A)

Shri Cherian Kurian
Assistant Regional Director
Regional Office (Karnataka)
No.10, ESI Corporation
Bangalore-560 023.

... Applicant

(By Shri V.N. Holla, Advocate)

Vs.

1. The Director General
ESI. Corporation
Kotla Road, New Delhi.
2. The Regional Director
ESI. Corporation
Swaraj Round
Trichur (Kerala)
3. The Administrative Officer
Head Quarters Office
ESI. Corporation, New Delhi.
4. Shri A. Bhaskaran
Officiating Dy. Accounts Officer
C/o. Regional Director
ESI. Corporation,
Trichur (Kerala)
5. Shri A. Sainulabdin
Manager, Grade II
C/o. Regional Director
ESI. Corporation
Trichur (Kerala)
6. Shri K.K. Narayanan Unni
Manager, Grade II
C/o. Regional Director
ESI. Corporation
Trichur (Kerala)
7. Shri T. V. Jayashankaran
Section Officer
Head Quarters Office
ESI. Corporation, New Delhi.
8. Shri P. Vijayakrishnan
Manager, Grade-II
C/o. Regional Director
ESI. Corporation
Trichur (Kerala)
9. Shri T.V. Ramachandran
Offg. Manager Gr.I
C/o. Regional Director
ESI. Corporation, Trichur.

... Respondents

(By Shri M. Peppanna, Advocate For R-1 to 3)

....2/-



O R D E R

(Mr. T.V. Ramanan, Member(A))

Admit.

Memo filed by the counsel for the applicant kept on record. Copy given to learned counsel for respondents (R for short) 1 to 3. Other respondents not present.

2. Heard the arguments from both sides.

3. This is a case where the applicant is facing some inconvenience and hardship due to family circumstances which date back to the time before he was promoted as Assistant Regional Director in the E.S.I. Corporation, Bangalore, Karnataka Region. The applicant has been making requests to respondents 1 and 3 over a period of time explaining his family problems and seeking transfer to the Kerala region where there are a number of posts. Counsel for R-1 to 3 pleads that there are no vacancies available and moreover the applicant having been promoted and posted as Assistant Regional Director in the Karnataka region only about less than 2 years ago is not yet eligible to be considered for transfer to another region. Moreover, there are no vacancies except for one vacancy which has been kept on the orders of this Tribunal passed on an earlier occasion and even that vacancy is to go to somebody who is eligible to be posted in the Kerala region.

4. In State of Punjab and Others Vs. Joginder Singh Dhatt (AIR 1993 SC 2486) it was held that it is entirely for the employer to decide when where and at

what point of time a public servant is to be transferred and that Courts should not ordinarily interfere in matters of transfer. In this case, the applicant was shown quite some consideration as on promotion he was first posted in the grade of Assistant Regional Director at the Headquarters in New Delhi in May, 1992 but within a few months he was transferred to Bangalore where a vacancy existed, Bangalore being proximate to Kerala, where no vacancy existed at that time. No extraordinary circumstances such as mala fides or violation of any statutory rules have been alleged for not transferring the applicant to the Kerala region. Further, transfers are purely administrative in nature.

5. Having said this, I have considered the request made by the learned counsel for the applicant that this Tribunal may give a direction to R-1 to transfer the applicant as Assistant Regional Director in a vacancy that is likely to arise on account of superannuation of an officer on 31.12.1994 A.N. in the Kerala region or any other vacancy in the post of Assistant Regional Director in Kerala region that may arise in the near future owing to creation of new posts or on account of promotion to the higher cadre of Deputy Regional Director. I am afraid the request cannot be considered as it would amount to interference in the administrative authority of R-1. However, I have no hesitation in commending for the consideration of R-1, the case of the applicant, who seems to have a lot of family problems, for transfer to the Kerala Region in the post of Assistant Regional Director against the vacancy that is likely



to arise at the end of the year or a vacancy that may arise at any time before or soon after that against a new post or on account of transfer etc.

6. In the result, this application fails and it is dismissed accordingly. No order as to costs.

v
Sd/-

(T.V. RAMANAN)
MEMBER(A)

TRUE COPY

S. Shankar
CENTRAL SECTION OFFICER
ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

