

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated:- 27 JUN 1994

APPLICATION NUMBER: 816 of 1994

APPLICANTS: Sh. J. V. R. Shetty v/s RESPONDENTS: Chairman, Central Water Commission, N(Delhi) and Others.

To.

- ① Sri. S. Gangappa Jos, Advocate, No. 36 'VAGDEVI'
Shankarpark, Shankarpuram, BANGALORE-4.
- ② The Superintending Engineer, Canvey and Southern Rivers Circle, Central Water Commission, No. 621, 80ft Road, 2nd Block, Rajajinagar, Bangalore-10.
- ③ Sri. M. Vasudeva Rao, Addl. C.G.S.C.
High Court Bldg, Bangalore-1.

Received copy for S.L NO 1
JUL 27/6/94

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 14.06.94

of

For S. Shankar 27/6
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

APPLICATION NO. 816/1994

DATED THIS THE FOURTEENTH DAY OF JUNE, 1994.

MR. Justice P.K. Shyamsunder, Vice Chairman

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

J.V.R. Shetty
S/o. Venkatappa Shetty
Assistant Executive Engineer
C & SRC, Rajajinagar, Bangalore. Applicant

(By Shri S. Ranganatha Jois, Advocate)

VS.

1. The Central Water Commission
represented by its Chairman
New Delhi - 110 001.

2. The Superintending Engineer
Cauvery & Southern River Circle
Central Water Commission
No.621, 80 Ft. Road II Block
Rajajinagar, Bangalore-560 010.

3. Shri Ranganatha Naik
Assistant Executive Engineer
Office of the CMOD (NW&S)
(D&R Wing)
Central Water Commission
New Delhi - 110 001. Respondents

(By Shri M.V. Rao, A.C.G.S.C. for R-1 & 2)

O R D E R

(Mr. Justice P.K. Shyamsunder, Vice Chairman)



We have heard the learned counsel for the applicant and the learned Additional Central Government Standing Counsel. By an order dated 19th April, 1994 (Annexure-4), the applicant was transferred in the public interest from his position in Bangalore to another in Delhi. The applicant has questioned this order on the ground that

while persons with longer service in Bangalore had not been touched he was meted out a discriminatory treatment.

In the course of hearing of this application, this Tribunal ~~had~~ on an earlier occasion, on the submission made by the counsel for the applicant that the applicant had recently submitted a representation praying for reviewing the transfer order and allow him to continue in Bangalore, directed the department to dispose of the representation of the applicant within a period of 2 weeks from the date of the order, i.e., the 20th May, 1994 and that pending such disposal by the department of the representation, the transfer order of the applicant should not be given effect to. When the applicant secured a copy of this order of the Tribunal and produced it before the authority concerned in the Bangalore office on the 23rd May, 1994, he was informed that he had been relieved in the F.N. of 19.5.1994 by an order issued on the same date.

2. Learned counsel for the respondent states that the respondents having issued the relieving order on the 19th itself it was not possible for them to give effect to the Tribunal's order that "the transfer order of the applicant should not be given effect to". In this regard he referred to the miscellaneous application filed by him on behalf of the respondents seeking vacation of the order of stay passed by this Tribunal on the 20th May, 1994. Today, he has produced the Peon Book which has remained in use from 8.11.1993 and draws our attention to page 46 of the Peon Book in which there is an entry regarding an endorsement made to the applicant, which is the same as the relieving order, against which there are the remarks recorded by the Head Clerk to the following effect:-



"After reading the relieving order refused to take by hand. Memo sent by Registered post on 19.5.1994 to the residential address.

sd/- 19.5.1994
K.S. SARASWATHI
HEAD CLERK

We also perused the Despatch Register of the Office of the Central Water Commission, Bangalore, which confirms the despatch of the relieving order by registered post on 19.5.1994. From the above narration, it is clear that the department had issued the relieving order relieving the applicant with effect from the F.N. of 19.5.1994 and that the copy of this Tribunal's order dated 20.5.1994 was received by the department only on 23.5.1994. In view of this the order of stay passed by this Tribunal had become infructuous and we do not want to elaborate any further on this.

3. Be that as it may, the representation submitted by the applicant, to which we have referred in our order dated 20.5.1994, was disposed of by the respondents on the 30th May, 1994 vide Annexure-A2. The order is self contained and is a speaking order. Being fully conscious of the rule laid down by the Supreme Court in Union of India & Others Vs. S.L. Abbas (1994 SCC L & S 213) we do not find that there are any extraneous circumstances for us to overlook the dispensation given by the Supreme Court and give relief to the applicant. In fact, this case does not seem to be covered by the parameters laid down by the Supreme Court. This application, therefore, fails and accordingly we dismiss it. However, learned counsel for the applicant makes a request that the department may consider the applicant for retransfer to Bangalore should a vacancy arise in the department in the



near or distant future. We have nothing to say in the matter. We leave it to the department to consider this request made by the learned counsel. In the circumstances of this case, we order no costs.

Sir
—
(T.V. RAMANAN)
MEMBER(A)

Sd —
[Signature]
(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY

Mr.

S Shyam Sundar
SECTION OFFICER 29/8
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE