

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 13 DEC 1994

APPLICATION NO. 1699 of 94.

APPLICANTS:- Smt. K. Fatima,
V/S.

RESPONDENTS:- The Regional Director, ESIC, Bangalore
and others.,

To

① Sri. K. M. Sadagopan
Advocate, No. 100,
(Old No. 15/29)
Cambridge Road Cross,
Ulsoor, Bangalore-8.

② Mrs. Geeta Seni for
Sri. M. Papanna, Advocate,
99, Nagadi Chod Road,
Vijayanagar, Bangalore-40

Recd Copies (Sl No. 1)
on 13/12/94
Circling 13/12/94
Advocate

Subject:- Forwarding of copies of the Order 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 02-12-94

Issued on
13/12/94

13/12/94
1/2 DEPUTY REGISTRAR
JUDICIAL BRANCHES.

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

ORIGINAL APPLICATION NO.1699/1994

DATED THIS THE SECOND DAY OF DECEMBER, 1994

Mr. Justice P.K. SHYAMSUNDAR, VICE CHAIRMAN

Smt. K. Fatima
Aged about 45 years
Wife of Shri K. Manivannan
residing at No.572,
J.P. Nagar, III Phase, Vth
Main, 10th Cross, Bangalore-560 078 Applicant
(Shri K.M. Sadagopan, Advocate)

Vs.

1. The Regional Director
Employees State Insurance Corporation
No.10, Binny Fields
Bangalore-560 023
2. The Insurance Commissioner
Employees State Insurance Corporation
Kotla Road, New Delhi.
3. The Director General
Employees State Insurance Corporation
Kotla Road, New Delhi. Respondents

(Mrs. Geeta Devi, Advocate for Shri M. Pappanna
Standing Counsel for ESI)

O R D E R

Mr. Justice P.K. Shyamsundar

Heard Shri K.M. Sadagopan for the applicant
and Smt. Geeta Devi on behalf of the Standing Counsel
Shri M. Pappanna for the respondents.

.....2/-

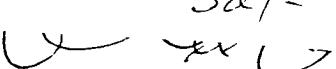


2. I propose to dispose of this application now that I have heard both sides in the matter. The impugned order is one transferring the applicant from a local office at Bangalore to an office at Mysore said to be done in the usual course in the exigencies of service. Although the impugned order was passed somewhere in the month of May, 1994, the applicant came to this Tribunal only at the end of October, 1994. If she was seriously contesting this issue with the respondents, I would have expected her to come up much earlier and could have even moved for a stay but instead she is stated to herself have engaged/in sorting out the issue with the respondents. The post at Bangalore, has been since taken over by somebody else while she is yet to take her place in Mysore. All her representations seeking retention at Bangalore have been futile as may be seen from the endorsement dated 3.10.1994 at Annexure - A6 received by her pointing out that the transfer has been done due to administrative exigencies. From all these facts there is very little for this court to do and much less to interfere on behalf of the applicant. However, Shri Sadagopan says that the applicant may be allowed to continue in Bangalore till the end of the academic year and the transfer order given effect to thereafter. I do not know how that can be done because the transfer order has already become operative in that somebody else has taken her place in Bangalore and she has to therefore accept the transfer and take her position at Mysore. May be if she had come up earlier, something could have been done and may be then could have even got a stay of the impugned order. The applicant

has denied that chance to herself. I do not find any ground on the basis of which she can be assisted. No malafides are alleged against any one concerned in shifting her from Bangalore. I am told that she has been in Bangalore since 1987 and therefore, the department thinks that her services could be better utilised at Mysore. The argument that her children will be left high and dry in the midst of the academic year does not appeal to me. I find that the transfer order itself was made well in advance, in that it has been made at the beginning of the academic year itself and therefore, the applicant had sufficient time to take care of these issues. What is more, I am told that her husband who is also working in ESI is posted at Bangalore. In that situation, this problem of childrens education would not cause any difficulty at all.

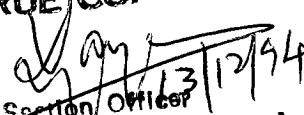
4. In that view of the matter, this application fails and is dismissed. No costs.

Sd/-


(P.K. SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY


13/12/94
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore