

(S)

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NOS. 517, 518, 811, 813 & 890/ 1994

TUESDAY, THE 26TH DAY OF JULY, 1994

Shri Justice P.K. Shyamsundar ... Vice Chairman

Shri T.V. Ramanan ... Member (A)

1. Shri L. Shivalinga,
S/o Lingaiah, Major,
Working as Farm Hand,
Residing near Madhu Store,
Post Sanjeevini Nagar,
Hebbal,
Bangalore - 560 024.
(OA No. 517/ 1994)
2. Shri Murugadas,
S/o Mannangatty,
Major,
Working as Farm Hand,
Resident of Farm Quarters,
No. T/44/ 1, Hebbal,
Bangalore - 560 024. ... Applicants
(OA No. 518/ 1994)
3. Shri Revanna,
S/o Rangaiah,
aged about 28 years,
Working as Farm Hand,
Office of the Officer
Incharge, Military Farm,
Hebbal, Bangalore-24 &
residing at Military Farm
Quarters, Hebbal,
Bangalore - 24.
(OA No. 811/ 1994)
4. Shri D. Rangappa,
S/o Obanna, aged about
29 years, working as Farm-Hand,
Office of the Officer Incharge,
Military Farm, Hebbal,
Bangalore-24 and residing at
Military Farm Quarters,
Hebbal, Bangalore - 24.
(OA No. 813/ 1994)

5. Shri Hanumantha,
S/o Ranga, aged about 40 years,
working as Farm Hand,
Office of the Officer Incharge,
Military Farm, Hebbal,
Bangalore-24 & residing at
Military Farm Quarters No.6,
Hebbal, Bangalore-24.
(DA No. 890/ 1994)

... Applicants

(By Advocate Shri M.S. Ananda Ramu)

Vs.

1. The Union of India
by its Secretary,
Ministry of Defence,
New Delhi.
2. The Deputy Director of
Military Farm, Headquarters,
Southern Command, Kirkee,
Pune-3.
3. The Deputy Director General,
Military Farm,
Army Headquarters,
D.M.C. Branch,
New Delhi.
4. The Assistant Director,
Military Farm,
Officer Incharge,
Military Farm, Hebbal,
Bangalore-24.
5. Shri B.B. Biswas,
Assistant Director, Military Farm,
Officer Incharge, Military Farm,
Hebbal, Bangalore - 24.

... Respondents

(By Advocate Shri M.S. Padmarajaiah, Senior
Standing Counsel for Central Government).

ORDER

Shri Justice P.K. Shyamsundar, Vice Chairman

Heard M/s V. Javahar Babu/ Ananda Ramu for the applicants

and the learned Standing Counsel. M/s Javahar Babu/ Ananda Ramu
combat the order transferring their clients from Military Farm,

Hebbal, Bangalore. It is strenuously urged that the applicants being the Farm Hands had been maliciously picked up for unjust shift from their native soil which has resulted in extreme hardship not merely to them but also to their families. It is pointed out because the applicants were the office bearers/ members of a union of Farm Hands constituted under law, the administration taking exception to this kind of congregation had sought to paralyse the applicants and their colleagues in the other cases which are also presently dealt with.

2. We have perused the file and found that all transfer orders have been made in public interest. The argument is that the applicants are singled out in migration to an outside territory and that the orders suffer from malafide but we see no such thing. We are satisfied with the order and is not vitiated by malafide or any other intention. Under the circumstances, these applications therefore, fail. The applicants should join their new places of work and after completing one year's tenure in the new places of posting, the applicants may if so advised make representations to the department for their retransfer to Bangalore. If that is done and if in view of the appropriate authority finding that the applicants' prayer for a transfer back to Bangalore is justified, the authority may consider such representation in as sympathetic light as possible and with all things being equal

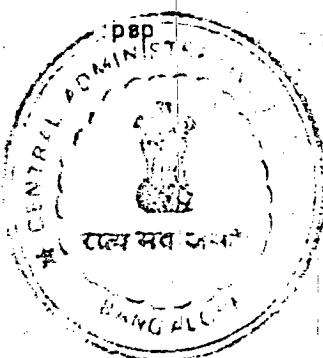
may make order retransferring the applicants to Bangalore. In the meanwhile, the applicants will be entitled to retain the official quarters at Bangalore for a period of two months from today. With this direction, these applications which otherwise fail shall stand dismissed. No costs.

Sd/-

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

Sd/-

Mr.
(P.K. Shyamsundar)
Vice Chairman



TRUE COPY

P. Shyamal
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRUST
ADDITIONAL LENCH
BANGALORE

TRUE COPY

Amarsi

Sri. L. Shivalinga & Ors. Vs. Secy. M/o. Defence, N. Delhi for

2. MCA 434/94 in OA Nos. 517,

Date	Office Notes	Orders of Tribunal
		<p><u>518 811, 813, and 890/94.</u></p> <p><u>PKS(Vc) /TVR(NA)</u></p> <p>27-9-1994</p> <p>Time to vacate the quarter extended by 3 months from the date of this order.</p> <p>We make this order despite the strong opposition made by the learned Standing Counsel for the Respondents.</p> <p>Copy of this order may be handed over to both sides for information.</p> <p>Sd/- M(A) Sd/- Vc</p> <p>TRUE COPY</p> <p><i>[Signature]</i></p> <p>Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>