

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated:- ~~5 AUG 1994~~

4 AUG 1994

APPLICATION NUMBER: 810/94

APPLICANTS:

RESPONDENTS:

Sh. B. Gopala Rao vs Secretary, M/o. Defence, Delhi & Others
To.

① Sri. M.S. Anandaramu,
Advocate, no. 27, 1st floor,
1st Main, Chandrashekara Complex,
Gandhinagar, Bangalore-9

② Sri. M.S. Padmanabharath,
Sr. CGSC, High Court Bldg,
Bangalore 1

Received copy

vm (Vishwanath/clerk)
4/8/94

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 26.07.94

Mc

for Se Shauhar 4/8
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 810/ 1994

TUESDAY, THE 26TH DAY OF JULY, 1994

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

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

Shri B. Gopal Rao,
S/o late K. Baburao,
aged about 21 years,
working as Farm Hand,
Office of the Officer Incharge,
Military Farm, Hebbal,
Bangalore-24 and residing at
Military Farm Quarters,
Hebbal, Bangalore-24.

... Applicant

(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.G. 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,
Hebbal, Bangalore-24.

... Respondents

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



ORDER

Shri Justice P.K. Shyamsunder, Vice Chairman

Heard Shri Ananda Ramu for the applicant and the learned Standing Counsel. Shri Ananda Ramu combats an order transferring his client from the Military Farm from Hebbal, Bangalore to Military Farm, Ahmednagar. He strenuously urged that the applicant being a Farm Hand had been maliciously picked up for unjust shift operating from his native soil resulting in extreme hardship not merely to himself but also to his family. It is pointed out, because the applicant was the office bearer of a union of farm Hands constituted under law, the administration taking exception to this kind of congregation, have sought to penalise the applicant and his colleagues in the other cases with which we are also involved presently. The order of transfer which is contended reads:

"It has been intimated by DDMF, HQ, SC, Kirkee/Pune-3, that your performances during the 2nd year probationary period were not found satisfactory. Hence, your probationary period has been extended for one year i.e. upto 22 Jun 95 by the DDMF HQ, Southern Com and vide his letter No. 550114/E/MF-2 dated 30 Mar 1994 to watch your performances and to give you a fair chance to work under different officer-in-charge so that you can earn your suitability report during the extended probationary period for further retention in service. Accordingly your posting order to Military Farm Ahmednagar has been issued by the DDMF, HQ, Southern Command. You are therefore advised to report at Military Farm Ahmednagar forthwith at your own interest. The movement order to this effect is being issued separately."

From the above it is clear that the applicant is still to

complete his probationary period. Apparently, he has earned

some

Apprenticeship

and apparently the administrative head

com is not satisfied with his turn out workwise and has found it

necessary to extend his probation. At the same time he has felt that the applicant should be given a fair chance to earn a suitability report during the extended probationary period, and thinking that probably ^{it} he is given a chance to serve under some other officer elsewhere the same may result in a useful fallout leading to retention in service. It is more out of compassion and with a view to give the applicant a chance to prove his worth so that he can be in a position to retain his job, present exercise appears to have been done. Although, it does appear as if outwardly, the administrative head had passed this order with a view to penalise the applicant, it is clear that the order was ^{never} with the intention of giving a fair chance to the applicant to serve in the department ^{rather} than of punishing him. We do not see the order in any hostile light at all.

2. It becomes apparent that although the administrative head found his performance to be not on par, but out of sympathy, ^{to him} still under probation has thought it appropriate to shift him out of his charge and put him under somebody else so that the applicant can earn an appropriate report which would result in his confirmation in the department. It becomes, therefore, obvious the impugned transfer is not merely in public interest, is also in the interest of the applicant himself and has been done to save his job. Therefore, we think it inappropriate to interfere with the impugned order of transfer. On this conclusion, this application must be held to have failed.

....4/-



3. It seems to us, ^{and} it is also to be appropriate to observe that after working for one year, ^{in the interim} the applicant may seek his retransfer from Ahmednagar to the Military ~~farm~~ at Bangalore by making an appropriate representation to the right quarters in that behalf. If that is done and ^{on} ~~if the view~~ of the appropriate authority finding that the applicant's performance during the extended probationary period ~~is~~ found to be satisfactory, the authority may consider such a representation in as sympathetic light as possible and all things being equal, ~~we~~ may make an order retransferring the applicant back to Bangalore.

4. We were told that the applicant has been allotted an official quarter in Bangalore and that on his transfer from Bangalore, he will have to shift out of Bangalore and ~~to vacate~~ ^{evacuate} the quarters. Shri Ananda Ramu sought for some time to enable the applicant to vacate the quarter. Accordingly, we grant ^{him} two months time. Applicant should vacate the quarters ~~thereafter~~. With this direction, this application which otherwise fails stands dismissed.

Sd/-
(T.V. Ramanan)
Member (A)

Sd/-
(P.K. Shyamsundar)
Vice Chairman

TRUE COPY



Se Shauhar
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
4/8