

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 11 NOV 1994

APPLICATION NO: OA 1270 of 1994

APPLICANTS:- Mr. Muniswamy
V/S.

RESPONDENTS:- Secy, M/o defender & 2 yrs.

1. Shri. M. S. Anandaram,
Advocate,
No. 27, 1st flr,
Chandrasekhar Complex,
1 Main Road,
Gandhinagar,

Bangalore - 560 009.

2. Shri. M. S. Padmarajiah,
Sr. C. G. S. C.
High Court Bldg,
Bangalore - 1.

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

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STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 9th November 1994.

Issued on

11/11/94

9/11
for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH : BANGALORE

ORIGINAL APPLICATION NO.1270/94

DATED THIS THE NINETH DAY OF NOVEMBER, 1994

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

Mr. Muniswamy
S/o. Hanumaiah aged about
35 years, working as Farm Hand
Office of the officer incharge
Military Farm, Hebbal,
Bangalore, r/o Sanjivinagar, Hebbal
Post, Bangalore-24. Applicant
By
(Mr. M.S. Anandaramu, Advocate)

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. The Assistant Director of
Military Farm (Officer incharge)
Military Farm, Hebbal
Bangalore-24. Respondents

(By Mr. M.S. Padmarajaiah, S.C.G.S.C.)

D R D E R

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

Admit.

Heard the learned counsel for the
applicant and the learned Senior Central Government Standing
Counsel for the respondents.

3. In this case, the applicant, who is
working as a Farm Hand in the Military Farm, Hebbal, was
relieved of his duties from Military Farm Section at Hebbal



to join the Hay Production Centre, Tornagallu, which according to the Daily order of November, 1993, available as Annexure-R2 is a section of the Military Farm at Hebbal. It is against his being relieved from the Military Farm at Hebbal, that the applicant has approached this Tribunal contending that his children are studying at Bangalore, of which Hebbal is a suburb, and that he has been transferred in the middle of the academic session without any public interest being involved.

4. It is seen from Annexure-R2 that the Hay Production Centre, Tornagallu, is a section of the Military Farm at Hebbal. para-3 of the said Annexure makes it very clear that group - 'C' and 'D' staff (the applicant belongs to the latter category of the Military Farm) will be rotated for duty at Tornagallu based on work load by the OIC Military Farm, Hebbal. A perusal of the office order no.198 dated 2nd August, 1994 (Annexure-R4) shows that while the applicant has been asked to function at the Hay Production Centre at Tornagallu, one Shri Narasimhamurthy, who is holding an equivalent post at the Hay Production Centre, Tornagallu, has been asked to shift over to the Military Farm, Hebbal. Prima facie, although nothing has been said in the order about the involvement of public interest in the inter section changes, the changes appear to have been ordered in terms of para-3 of Annexure-R2. Also, although the order has not said so, the idea seems to be to send the applicant to Tornagallu for rotation duty and that is what has been done by issue

of the office order at Annexure-R4 in the light of the authority contained in Annexure-R2. In his own turn the applicant will be returning to Hebbal after serving out a term at Tornagallu. Even if it has not been recounted in Annexure-R4 that the intersection changes were being made in the public interest it will not affect the validity of the order in any way because, firstly, R-2 gives authority to the OIC, Military Farm to rotate group 'D' staff between Hebbal and Tornagallu and secondly, this is an internal shift and does not seem to be in the nature of an employee severing his links totally with the Military Farm, Hebbal in the sense, the Hay Production Centre, Tornagallu, is an adjunct to the Military Farm, Hebbal. Further, if respondent no.3 herein considered it proper to make the intersection changes by which the applicant is to move over to Tornagallu, he has not gone beyond his competence in the light of the authority ~~he~~ he could act upon flowing from Annexure-R2.

5. In view of the foregoing, this is not a fit case where this Tribunal should interfere with an administrative order. The application is therefore, dismissed.

6. At this stage, learned counsel for the applicant makes a submission that there are others working in the Military Farm, Hebbal, at the same level as the applicant, who have made applications for being sent on intersection change to Tornagallu. He stresses that this aspect of the matter was not considered by respondent no.3 while passing the order as at Annexure-R4. It is not for

this Tribunal to question respondent no.3 as to whether he should have considered all those applications made by others before ordering the shift of the applicant to Tornagallu. However, if the applicant, who says he is having family problems on account of education of his children, should make a representation to R-3 explaining his difficulties, R-3 may consider the same in conjunction with the applications alleged to have been made by some other farm hands at Hebbal who would like to be shifted to Tornagallu and pass appropriate orders. If the applicant were to file a representation within a period of 7 days from today, R-3 may consider and dispose of the same within 15 days from the date of receipt of such representation. A copy of this order may be made available to the Senior Central Government Standing Counsel.

7. In the circumstances of the case, there will be no order as to costs.

Sd/-

(T.V. RAMANAN)
MEMBER(A)

TRUE COPY

Copy of R-3
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

