

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT

BANGALORE

WCC. APPLICATION NO. /94

in

O.A.No.517/94 & c/cases.

Sri.L.Singh & 4 others

Applicants.

vs.

The U.O.I. and others

Respondents.

I N D E X.

1. Miscellaneous application in 1 - 3
A.Nos. 517/94 and connected

applications.

2. Affidavit verifying the miscellaneous application.

3. copy of the order 5-8

Bangalore

13.9.94

Chand
Advocate for Applicants,

①

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT

BANGALORE

MISC. APPLICATION No. /94

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Q.No. Nos. 517, 518, 519, 520 & 521
of 1994.

between

Sri.L. Shivalinga & 4 others Applicants

and

The Union of India & others Respondents.

MISCELLANEOUS APPLICATION

The applicants abovenamed most respectfully
submit as follows:

1. The applications mentioned above have been
filed by the applicants challenging the orders of
transfers and not to vacate them from the quarters
allotted to them. While rejecting the applications
this Hon'ble Tribunal directed the respondents to
retain the quarters for a period of two months
from 26.7.1994 and the time granted by this
Hon'ble Tribunal for retention of quarters expires
on 26.9.1994.

2. It is necessary to mention here that, the
applicants have reported to duty at places transferred
in the order of transfers and the applicant in A.No.

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311/94 reported to duty at Secunderabad on 13.3.94 and he is working at Military Farm, Secunderabad and he is married and has two children. Despite his best efforts he could not get accommodation at Secunderabad. His children are studying at Vinayaka Vidya Kendra, Kodigehalli, Bangalore. It is very difficult for him to seek admission as there is no Kannada medium and he ^{do} not get the admission in the middle of the academic session. Hence, he is residing in a room at Secunderabad which had no proper facilities. If the time is not granted for vacating the quarters, till the end of June, 1995, he will be put to very great hardships and irreparable injury which cannot be equated in terms of money.

3. In so far it relates to the Applicant in O.A.No.513, he is the second applicant herein, he is also working as Farm Hand at Military Farm, Ahmednagar, his children are also studying at Bangalore. He has got three school going children. Despite his best efforts he could not get an alternative accommodation in the place of his transfer. It is also very difficult for him to get admission at Ahmednagar. Therefore, in the interest of justice and equity, he prays that he may be allowed to retain the quarters till the end of June, 1995 to meet the ends of justice.

4. In so far it relates to the applicant No.4, Sri.D.Rangappa, is concerned, he is now working at

Aravind

Manjre, and he reported to duty to the place of his transfer at Manjre at Maharashtra State.

He has two children who are studying at Bangalore. He also expressed his inability to get alternative accommodation at Manjre. What is more it is not possible for him to get admission at the place of his transfer. Therefore, in the interests of justice and equity, this Hon'ble Tribunal may be pleased to permit him to retain the quarters till the end of this academic session.

5. In so far it relates to Sri. Hanumantha) the 5th applicant herein, is concerned, he is now working at Devalali, Maharashtra State, and he has got four school going children. In the place of his transfer, he could not get an alternative accommodation and therefore, he could not shift his family. It is very difficult to seek admission in the middle of the academic session and therefore, he respectfully prays that this Hon'ble Tribunal may be pleased to permit him to stay in the quarters allotted to him till the end of June 1995 to meet the ends of justice.

Bangalore,

Dt. 13.9.94

Pravara
Advocate for Applicants,

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE

MISC. APPLICATION No. /94

in

O.A.No.517/94 & connected cases.

Sri L. Shivalinga & others Applicants.

The U.O.I. & others Respondents.

AFFIDAVIT VERIFYING THE MISCELLANEOUS APPLICATION.

I, Revanna s/o Rangaiah, aged about 23 years, working as Farm Hand, Military Farm, Secunderabad, now having come over to Bangalore do hereby solemnly affirm and state on oath as follows:

1. I submit that I am the third applicant in the main applications and I am fully conversant with the facts and I am deposing to. I swear to this affidavit on my behalf and also on behalf of the other applicants who have authorised me to do so.

2. That the statements made in paras 1 to 5 of this affidavit are true to the best of my knowledge, belief and information.

Identified by me Dependent

Advocate.

Bangalore

Dt. /9/94.

corra.

(S) (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. Shyamendar ... 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 Sanjoevini Nagar,
Hebbal,
Bangalore - 560 024.
(OA No. 517/ 1994)

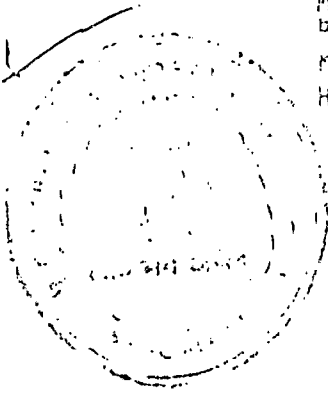
2. Shri Murugadas,
S/o Mannangatty,
Major,
Working as Farm Hand,
Resident of Farm Quarters,
No. T/44/ 1, Hebbal,
Bangalore - 560 024.
(OA No. 518/ 1994) ... Applicants

(By Advocate M/s V. Javahar Babu)

3. Shri Revanna,
S/o Rangalah.
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)

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3. Shri Hanumantha,
S/o. Range, 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.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, Military Farm,
Hebbal, Bangalore - 24.

... Respondents

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

ORDER

Shri Justice P.K. Shyamsundar, Vice Chairman

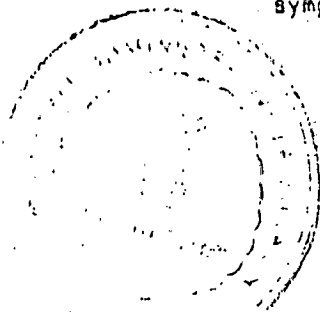
Heard M/s V. Javahar Babu/ Ananda Ramu for the applicants
and the learned Standing Counsel. M/s Javahar Babu/ Ananda Ramu
combat the order transferring their clients from Military Farm,

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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 paralise 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

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may make order restraining 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.

Sch-
mm
(T.V. Remnan)
Member (A)

Sch-
mm
(P.K. Shyamundar)
Vice Chairman

TRUE COPY

P. S. Subbar
MEMBER
MEMBER OF THE
MEMBER OF THE
MEMBER OF THE
MEMBER OF THE

Handwritten signature

Sri. L. Shivalinga & ors. Vs. Secy. M/o. Defence. N. Delhi

2. NA 434/94 in OA NOS. 517,

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