

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00165/2018

DATED THIS THE 16TH DAY OF AUGUST, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

Shri Prabhakaran S (IFS)

S/o Shivaraj,

Aged about 31 years,

Working as Deputy Conservator of Forest,

Kundapur Division, Kundapura,

Udupi District

.....Applicant

(By Advocate M/s Subbarao & Co.)

Vs.

1. The Secretary to Government of India,
Ministry of Forests and Climate Change,
Indira Paryavaran Bhaan,
6th Floor, Pruthvi Block,
Jorbagh Road, Aliganj,
New Delhi – 110 003

2. The State of Karnataka,
Rep by Principal Secretary to Government,
Department of Personnel and Administrative
Reforms (DPAR),
Vidhana Soudha,
Bengaluru – 560 001.

3. Sri K. Ganapathi (IFS),
Aged about 36 years,
Working as Deputy Conservator of Forest,
Karwar Division, Karwar,
U.K. District – 581 301

....Respondents

(By Shri T.S. Mahantesh, Counsel for the State Government and
Shri Prem Kumar, Counsel for Respondent No.3)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J)

Heard. The applicant alleges multiple grounds in support of his case. We have already held in other cases that TSR's case may not apply in those matters.

2. But the ground remains that there is no ground mentioned for the frequent transfer of the applicant. Even though it may be within the justified parameters of governance to transfer its own employees, it cannot be done whimsically. If the public interest is involved in it, it must be visible and

significant or the person must have served in that place for a reasonably good time.

3. It is also to be noted in this connection that employees must be frequently transferred. Nobody can be allowed to occupy a post for more than 3 years at a time unless a specific posting is required at that time with specific reasons. As a specific reason Shri Mahantesh, learned counsel for the State Government, points out that the applicant had attended training course at Dehradun and became more competent and therefore the Government thought that the posting at Madikeri would be a better solution to the problems facing at Madikeri but when we queried further there is no details about any comparative status being made about Kundapur and Madikeri. At this point of time Shri Vishwanath Bhat, learned counsel for the applicant, produces before us the rulings of the Hon'ble Apex Court in Ramadhar Pandey Vs. State of U.P. in which the Hon'ble Apex Court had said that the order of transfer must recite any public interest if it is involved in it. We had gone further and queried for the reason of transfer and what transpires is that it is made on whims and fancies therefore it will not lie under law. The transfer order is quashed in respect of the applicant and the 3rd respondent. The applicant will be allowed to continue in the place for the time being.

4. The OA is allowed. No order as to costs.

(DINESH SHARMA)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00165/2018

Annexure A1 Copy of Notification dated 29.08.2017

Annexure A2 Copy of the Notification dated 05.03.2018

Annexure A3 Copy of the Amendment Rules dated 28.01.2014

Annexure A4 Copy of the Indian Forest Service Rules 1966

Annexures with reply statement

Nil

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