

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00167/2018

DATED THIS THE 21ST DAY OF MARCH, 2018

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

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Smt. Rohini Sindhuri Dasari,

Aged 33 years,

W/o Sudhir Reddy,

Deputy Commissioner,

Hassan District, Hassan,

Presently residing at Residence of

Deputy Commissioner,

Hassan

.....Applicant

(By Advocate Shri Ranganatha S. Jois)

Vs.

1. The State of Karnataka,
Represented by its Principal Secretary,
Department of Personnel & Administrative
Reforms, Vidhana Soudha,
Bangalore – 560 001.
2. The Union of India,
Represented by its Secretary,
Department of Personnel & Training,
New Delhi – 110 001.
3. Sri Randeep D, IAS,
Major,
Deputy Commissioner,
Mysore.Respondents

(By Shri A.S. Ponnanna, Additional Advocate General,
Shri Mahanthesh, Counsel for the State Government &
Shri Gururaj Joshi, Counsel for Respondent No.3)

O R D E R (ORAL)

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

Surely some oracle has been with me,

The gods have chosen me to reveal their plan,

To warn an unjust judge of destiny:

I, slumbering, heard and saw; awake I know,

Christ's coming death, and Pilate's life of woe.

I do not weep for Pilate—who could prove

Regret for him whose cold and crushing sway

No prayer can soften, no appeal can move;

Charlotte Bronte

Adjudication is always a bed of thorns and the great poetess Charlotte Bronte while epitomising the woe of Pontius Pilate's wife when he started to judge Jesus has expressed his anguish. Such dilemma we also face now.

2. A young officer challenges her transfer. She raises many grounds in support of her claim. Her employer raises many objections against the same. We had the honour and benefit of hearing the great Senior Lawyer Shri Subramanya Jois on the subject. We also had the benefit of hearing brilliant Additional Advocate General Shri A.S. Ponnanna on the subject. We also very carefully gone through the detailed written argument notes submitted by Shri Subramanya Jois and Shri Mahanthesh. We had also gone through the lament of the 3rd respondent represented by Shri Joshi who had portrayed the grievance of that young man finding himself nowhere as the post he had occupied has been occupied by someone else and he has nowhere to go.

3. We realize that it is really a bed of thorns to adjudicate this matter. However we had decided to adjudicate in the larger interest of all including the applicant and others equally concerned. We note with some regret that apparently the transfer orders may have been passed in some hurry. The order lacks elements of proper application of mind but at the same time unless political executive as distinct from administrative executive, being the

repository of the trust of people, are allowed to act within their allotted sphere of activities demography and democracy will lose its meaning. It might be a repeat situation of what happened in Rome very clearly portrayed by Gibbon in his classic work Rise and Fall of Roman Empire. Failure of Roman Senate lead way for dismemberment of Roman Empire. We quite naturally would like to avoid a similar feat for our nation.

4. While we emphasize the need for judicial independence, we feel that we must also uphold the element of administrative independence as well. Taking all these into consideration, we have now decided that we will now permit the applicant to submit a representation before the Chief Secretary within the next 2 days which will be an appeal against her transfer citing her reasons. Within the next 2 days the Chief Secretary will pass an appropriate order and forward it to her. That we think would satisfy our quest for justice. Taking a long range view, we are guided by the fact that the applicant is very young and has a long way to go. Therefore this resolution might suit her better in the years to come. The OA is therefore disposed as above.

5. At this point of time learned senior counsel Shri Subramanya Jois submits that the applicant may need a little more time, i.e., time upto Monday, 26th March, 2018 to submit her representation and within a reasonable time the Chief Secretary may be directed to dispose of her representation. We allow it. Therefore we will amend it and direct the Chief Secretary to dispose of the representation within 3 days next. Till then status quo will be maintained.

6. The OA stands disposed of. No order as to costs.

(PRASANNA KUMAR PRADHAN)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/000167/2018

Annexure A1 Copy of the transfer order dated 12.07.2017

Annexure A2 Copy of the IAS (Fixation of Cadre Strength) Regulations, 1955

Annexure A3 Copy of the impugned notification dated 07.03.2018

Annexure A4 Copy of the order dated 22.01.2018

Annexure A5 Copy of the communication dated 23.01.2018

Annexure A6 Copy of the appreciation letter dated 07.11.2017

Annexure A7 Copy of the communication dated 05.02.2018

Annexure A8 Copy of the impugned notification dated 16.02.2018

Annexure A9 Copy of memo dated 05.03.2018

Annexure A10 Copy of the local daily newspaper dated 31.01.2018

Annexure A11 Copy of the translated Hasanavani newspaper dated 31.01.2018

Annexure A12 Copy of the Audio of the KPCC V.P discussing the applicant's transfer

Annexure A13 Copy of the manual of electoral rolls issued by the Election Commission of India

Annexures with reply statement

Annexure R1: Copy of the file noting of Hon'ble Chief Minister of Karnataka along with translated copy

Annexures with rejoinder

Annexure A14 Copy of the order dated 21.02.2018 in O.A. No. 103/2018

Annexure A15 Copy of the memo dated 05.03.2018

Annexure A16 Copy of the order dated 06.03.2018 in O.A. No. 103/2018
