

OA.No.170/00300/2018/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00300/2018

DATED THIS THE 26TH DAY OF APRIL, 2018

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

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

M. Chandra Sekhar, IPS
S/o M. Balaramaiah,
Aged about 43 years,
R/o A 1302, Mantri Espana,
Kariyammana Agrahara,
Marathahalli, Outer Ring Road,
Bengaluru – 560 013
Working as: Inspector General of Police
Anti-Corruption Bureau, Bengaluru
Khanija Bhavan, Race Course Road,
Bengaluru – 560 001

...Applicant

(By Advocate Shri Vikas Rojipura)

Vs.

1. State of Karnataka

Represented by the

Chief Secretary to the Government

Vidhana Soudha

Bangalore – 560 001

2. State of Karnataka

Under Secretary to the Government

Department of Personnel and

Administrative Reforms (Services-4)

Vidhana Soudha, Bangalore – 560 001.

3. Director General and

Inspector General of Police

Karnataka State

Nrupathunga Road, Bangalore – 560 001

4. Election Commission of India

Represented by its

Nirvachan Sadan, Ashoka Road,

New Delhi – 110 001

5. Chief Electoral Officer of Karnataka

Nirvachana Nilaya

Maharanis College Circle

Sheshadri Road Bangalore – 560 001

6. Union of India

Represented by its Secretary

Ministry of Home Affairs

North Block, New Delhi – 110 001

...Respondents

(By Shri. Mahanthesh, State Government Standing Counsel,
Shri V. Abhilash, Counsel for the Election Commission &

V.N. Holla, Senior Panel Counsel for R6)

O R D E R (ORAL)

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

Shri V.N. Holla, Senior Panel Counsel, appears for R6. The learned counsel for the Election Commission states that this transfer of the applicant is only for the duration of the election. May 18, 2018 is the date for declaration of results therefore there is no need to continue with this matter as it is. It is hereby declared that the applicant would be re-transferred to his original position on May 19, 2018. This statement of the learned counsel for the Election Commission Shri Abhilash V is hereby recorded. Since the election process will be over by 18th May, 2018, it will be deemed that the applicant has reported back for duty on 19th May, 2018 at the old place in consonance with the judgment of the Hon'ble High Court of Karnataka in Election Commission of India vs. State of Karnataka and another reported in 2013(6) Karnataka Law Journal 363(DB). The State Government is unsure of its stand but then that may not be of any value now as the order had been issued on the direction of the Election Commission.

2. OA is thus disposed off. 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. 170/00300/2018

Annexure A1 Copy of Notification No. DPAR 154 SAS 2018 dated 16.04.2018

Annexure A2 Copy of Movement Order, dated No. CBI/42/2016-17 dated 17.04.2018

Annexure A3 Copy of Karnataka Police (Amendment) Act, 2012

Annexure A4 Copy of Karnataka Police (Amendment) Act, 2013

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