

OA.No.170/00383/2018/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00383/2018

DATED THIS THE 12TH DAY OF JUNE, 2018

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

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

Sri Manjunath B. Gurlahosur,
Aged 42 years,
S/o Sri Bheemappa,
Occn: SDE, OFC Route Mtce., South West Area
BSNL, O/of Assistant General Manager (TM)
Shankarapuram Telephone Exchange,
Bengaluru: 560 004
Residing at 019, Apoorva Meadows,
Kogila Cross, Yelahanka,
Bengaluru : 560 064

...Applicant

(By Advocate Shri P.A. Kulkarni)

Vs.

1. Bharath Sanchar Nigam Ltd,
By its Chairman and Managing Director,
Corporate Office (Personnel-II Section),

Bharath Sanchar Bhavan,
4th Floor, Janpath,
New Delhi – 110 001,

2. Chief General Manager Telecom,
Karnataka Telecom Circle, BSNL,
No. 1 S.V. Road, Halasuru,
Bengaluru – 560 008

3. Principal General Manager,
BSNL
Bengaluru Telecom District,
Telephone House,
Rajbhavan Road,
Bengaluru – 560 001.

...Respondents

(By Shri. Vishnu Bhat, Senior Panel Counsel)

O R D E R (ORAL)

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

Heard. The matter relates to transfer. The applicant challenges the transfer order made on the ground that the applicant has a longer service in Bangalore and therefore needed to be shifted out. The applicant claims that he had asked for a transfer to Kolar where his wife works at the City Municipal Council at Kolar. The applicant is being sought to be transferred to Madikeri. The applicant would say in his rejoinder that in fact the JTOs promoted as SDE

under the Limited Departmental Competitive Examination had been allowed to be accommodated at Bangalore while he alone had been discriminated against.

2. Therefore let us examine the need for transferring a government servant. If a government servant is posted at a particular place for too long, necessarily he will grow roots in it which will be prejudicial to public interest. It is necessary for people to be shifted out routinely after a period of time so that they will have more experience geographically and empire building in a particular geographical location can be avoided. Therefore there must be a routine transfer of government employees at least after every 5 years. They cannot be allowed to be in one station alone for more than this period as it will violate the principles of equity in public service. They must never be allowed to grow roots in any particular geographical location as it will be greatly prejudicial to the interest of the department and their own level of integrity.

3. Having said so, the Government had devised certain way in which the families must be together. Therefore we also understand that applicant had requested for a transfer to Kolar but it is being resisted by the respondents on the ground that there is requirement for more effective personnel at Madikeri and that is why they are transferring him. Since there is a municipal common service available in Karnataka, the wife of the applicant can also get a transfer to Madikeri or a nearby place. Therefore this ground raised by the applicant will not lie. The ground raised by the applicant that JTOs are posted and accommodated in Bangalore is a matter which should be looked into by the respondents. We therefore direct the respondents to look into it and avoid empire building at Bangalore and, if they have also crossed the limits of

presence at Bangalore, they also should be moved out of this place. But because negativity is granted to somebody that negativity cannot be a fulcrum for granting equity in consideration, therefore, this alone will not give any right to the applicant. But then within the next 3 months the respondents will examine this matter and if these people are also to be transferred out they also will be transferred out of Bangalore. No person should be allowed to continue in a place for more than 5 years at a time but we find that all the other contentions raised by the applicant are not worthwhile to be considered.

4. Therefore, having no merit, the OA is dismissed. 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. 170/00383/2018

Annexure A1 Copy of the BSNL employees transfer policy

Annexure A2 Copy of the impugned transfer order dated 07.04.2018

Annexure A3 Copy of the list dated 05.03.2018 published by R2

Annexure A4 Copy of the proof regarding applicant's wife working in Kolar

Annexure A5 Copy of the representation submitted by the applicant on 16.04.2018

Annexures with Rejoinder

Annexure RJ1 Copy of the transfer and posting order of JTOs dated 01.06.2018

* * * * *