

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

OA.NO.170/00370/2018

DATED THIS THE 27th DAY OF APRIL, 2018

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

HON'BLE SHRI PK.PRADHAN, MEMBER(A)

Dr.HR.Mahadev,IAS,
Aged about 57 years
S/o Late HR.Revanna,
Deputy Commissioner (Now under Transfer),
Bidar District, Bidar,
Permanent Addresses at
Brahmins's street,
Harohalli Village & Hobli,
Kanakapura Taluk,Ramanagar District.Applicant

(By Advocate Shri D.Changalaraya Reddy)

vs.

1.The State of Karnataka,
Represented by its Chief Secretary,
Vidhana Soudha, Bengaluru - 560 001

2.The Additional Secretary,
State of Karnataka,
DPAR,Vidhana soudha,
Bengaluru - 560 001.

3.Chief Electoral Officer, Karnataka,
No.8, 1st Floor, KSCMF Building Annex,
Cunningham Road, Vasanth Nagar,
Bengaluru , Karnataka - 560 052.

4.Shri Anirudh Sravan P.IAS,
Mission Director (Now under Transfer),
National Rural Livelihood Mission,
Bengaluru .

...Respondents.

(By Smt.Shilpa S.Gogi for R 1&2,
Shri Abilash Counsel for R 3)

ORDER (ORAL)

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

1. Heard. This matter is in a very short compass. This is squarely covered by the decision of the Hon'ble High Court of Karnataka in the matter of Election Commission of India, New Delhi vs. State Government of Karnataka reported in 2013 (6) Karnataka Law Journal 363 (DB). Therefore, we hold that all transfers initiated by the State Government on the behest of the Election Commission shall be only during the duration of the election. Shri Abilash, learned counsel for the Election Commission submits that by 18.5.2018 all process of election will be over and these people who are disturbed will be returned back on 19.5.2018.
2. At this point of time Shri Abilash, learned counsel for the Election Commission wanted us to make clarification if in one constituency election will be counter manded then the concerned person has to remain in the concerned constituency. This seems to be a reasonable stipulation as Election Commission can have only jurisdiction during election. After the election is over they may not have anything more to do with the matter. If elections are counter manded and process of election continues the applicant will continue to be there. Other wise immediately deemed to have rejoined the post on 19.5.2018. This order

will be applicable to all similar cases except wherein the special rights of the State Government and / or Lok Ayuktha are in issue. OA is disposed of. No order as to costs.

(PK.PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No. 170/00370/2018

Annexure A1: Copy of transfer order dated 22.12.2016

Annexure A2: Copy of impugned order No.DPAR154SAS 2018 dated 16.4.2018

Annexure A3: Copy of Election Commission of India policy regarding transfer/Positing of Officer dt. 17.1.2018.

