

OA.No.170/00405/2017/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00405/2017

DATED THIS THE 06TH DAY OF FEBRUARY, 2018

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

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

R. Govindarajan

S/o Late Raman

Aged 42 years

Clerk

SSE/P.Way/O/DPJ

C/O Sri. Madhu. S

#35, Near Maruthi Farm,

Dombarahalli,

Bangalore – 562 123

.....Applicant

(By Advocate Shri K. Shivakumar)

Vs.

1. Union of India

Rep by the General Manager,

South Western Railway

Gadag Road

Hubballi

2. Divisional Railway Manager,

South Western Railway,

Bangalore.

3. Senior Divisional Personnel Officer,

South Western Railway,

Bangalore.

....Respondents

(By Shri J. Bhaskar Reddy, Railway Standing Counsel)

O R D E R (ORAL)

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

Heard. The matter relates to transfer of an employee who had been transferred on medical grounds on humanitarian approach to Dharmapuri from Bangalore. The defence raised by the respondents is that recently the CBI had raised a charge against the applicant and one other person relating to giving false tuition fee certificates and defalcating some amounts. Therefore if at all he has to be brought to Bangalore what is opposite to the submission of the respondents will take place as then he will be in a position to tamper with the

records, therefore, it is best to keep him in Dharmapuri only. Shri J. Bhaskar Reddy, learned counsel for the respondents, would say that the CBI may want to question him. If they want to question him, there are provisions available in CrPC to deal with such a situation. For that, there is no need to bring him back to the alleged arena of infraction itself. Therefore even intellectually also the transfer order seems to be uncalled for and unnecessary. The order is hereby quashed as far as the applicant is concerned. The learned counsel submits that none of the others have been moved till now and we are unable to find out what is the special ground which existed for or against the applicant. Anyhow, the applicant will continue at Dharmapuri only until he had to be removed for cogent and significant reasons.

2. The OA is allowed to this extent. 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. 170/00405/2017

Annexure-A1: Copy of O.O. No.458/06/2011/VI/PG dated 13.06.2011

Annexure-A2: Copy of discharge summary of the applicant from the Apollo Hospitals dated 29.01.2013

Annexure-A3: Copy of South Western Railway Order No.B/P.240/VI/PG/Vol.IX dated 21.01.2015

Annexure-A4: Copy of South Western Railway Order No.B/P.240/VI/PG/Vol.X dated 24.07.2017

Annexure-A5: Copy of Railway Board's Circular No. E(O)III/2014/PL/03 dated 10.06.2014

Annexures referred in Reply Statement

Annexure-R1: Copy of South Western Railway letter No.SWR/P.Agreed List/Non-Gaz DATED 25.04.2017

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