

OA.No.170/00466/2018/CAT/Bangalore Bench
**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00466/2018

DATED THIS THE 07th DAY OF SEPTEMBER, 2018

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

HON'BLE SHRI C.V.SANKAR, MEMBER (A)

Sri M.S.Murali, 58 years
S/o Sri.M.K.Sathyanarayana Rao
Occn: Deputy Director (Finance)
Sports Authority of India
NSEC, Kolkata:700 106
(under orders of transfer to Bengaluru)

Residence at No:424, 4th Main
BSK 1st Stage, Srinagar
Bengaluru:560 050.

....Applicant

(By Advocate Sri P.A.Kulkarni)

Vs.

1. Union of India
To be represented by its Secretary
Department of Youth Affairs and Sports
Shastri Bhavan
New Delhi-110 001.
2. Director General
Sports Authority of India
JN Stadium, East Gate
Lodhi Road
New Delhi: 110 003.
3. Director (Finance)
Finance Division
Sports Authority of India
JN Stadium, East Gate
Lodhi Road
New Delhi: 110 003.
4. Regional Director
Sports Authority of India
Netaji Subhash Southern Centre
Mysore Road, Jnanabharati Campus
Bengaluru: 560 056.
5. Director

Sports Authority of India
Netaji Subhas Eastern Centre
Salt Lake City
Kolkata: 700 106.

...Respondents

(By Advocates Sri N.Amaresh for R1 and Sri M.Vasudeva Rao for R2-5)

ORDER

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

The applicant has filed the present OA seeking the following relief:

“Direct the Director SAI Kolkata Respondent No.5 to cause applicant's relief at Kolkata forthwith in terms of transfer order dtd.19.3.2018 Ann-A2 issued by Director General SAI, New Delhi R-2 herein.”

2. According to the applicant, he joined the services of Sports Authority of India(SAI) as Junior Accounts Officer in the year 1990. He became Accounts Officer and then promoted to Deputy Director(Finance) and posted to SAI, NSEC Kolkata(Respondent No.5). He has given detailed chronological events of his service. He submitted that since he has two more years of service left as his date of superannuation being 31.05.2020, he represented to DG SAI(Respondent No.2) for his transfer to Bangalore vide representation dtd.11.12.2017(Annexure-A1). The respondent No.2 having considered the representation of the applicant issued transfer order dtd.19.3.2018(Annexure-A2) transferring the applicant from Kolkata to Bengaluru along with post with immediate effect. However, the controlling authority at Kolkata(Respondent No.5) is not causing applicant's relief and informed the applicant that decision would be taken by 18.4.2018 in the matter of causing relief of the applicant at Kolkata(Annexure-A3).
3. The applicant submits that he came to Bengaluru on EL pending the relieving order. His leave was up to 4.5.2018 and he sought extension of leave up to

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8.6.2018 through e-mail dtd.27.4.2018(Annexure-A4) on the ground of his wife being not well. The applicant again submitted representation on 30.4.2018(Annexure-A5) requesting R5 to grant the extension of leave and also to cause his relief from Kolkata. Simultaneously he submitted representation to respondent No.2 for facilitating his relief at Kolkata immediately(Annexure-A6). The applicant contends that the respondent No.5 vide communication dtd.10.5.2018(Annexure-A7) is coercing him to report for duty immediately by refusing to grant extension of leave and threatens with initiation of the disciplinary proceedings in the event of applicant's not reporting for duty at Kolkata.

4. The applicant submitted that when the Apex Authority at New Delhi had transferred him from Kolkata to Bengaluru with immediate effect, it is not open for the sub-ordinate authority like respondent No.5 to withhold/block the relief of the applicant at Kolkata. And hence he approached this Tribunal praying for the relief sought by him.
5. The respondents have not filed their reply statement.
6. We have heard the Learned Counsel for both the parties and submission made by the applicant. By an interim order dtd.23.5.2018, we have directed respondent No.4 to take the applicant to duty at Bengaluru by 24.05.2018 while reserving liberty to the respondents for seeking modification of the interim order if necessary. The respondents have not filed reply statement but Counsel for the respondents made a submission that on the last hearing date of 24.08.2018 that in obedience of this Tribunal's interim order, applicant is permitted to join at Bengaluru and he is working since May 2018 at Bengaluru under respondent No.4 and therefore there is no need to file any reply statement. However, on the last hearing date before reserving the matter for

orders, it is brought to our notice by the applicant that his LPC is not yet issued by respondent No.5's office resulting in applicant's not getting salary since May 2018. Therefore, regulating the interim order dtd.23.05.2018 as the final order, we issue a further direction to respondent No.5 to send the LPC to respondent No.4's office within a week's time positively without fail.

7. With this order, the OA is disposed of. No costs.

(C.V.SANKAR)
MEMBER (A)

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

/ps/

Annexures referred to by the applicant in OA.No.170/00466/2018

Annexure A1: Representation dtd.11.12.2017

Annexure A2: Transfer order dtd.19.3.2018

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Annexure A3: Communication dtd.12.4.2018 addressed to applicant

Annexure A4: Copy of the e-mail dtd.27.4.2018

Annexure A5: Copy of the representation dtd.30.4.2018 addressed to R-5

Annexure A6: Copy of the representation dtd.30.4.2018 addressed to R-2 (submitted through proper channel) along with typed copy of the medical certificate

Annexure A7: Copy of the communication dtd.10.5.2018 from R-5 to applicant
