

OA.No.170/00520/2018/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00520/2018

DATED THIS THE 19TH DAY OF JUNE, 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

Junior Clerk,

SSE/P.Way/O/Dharmapuri

C/o Sri. S. Madhu.

#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

Hubbli

2. Senior Divisional Personnel Officer,

South Western Railway,

Bangalore.

....Respondents

(By Shri J. Bhaskar Reddy, Counsel for the Respondents)

O R D E R (ORAL)

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

Heard. This is a sequel to our order in O.A. No. 405/2017 dated 06.02.2018. Apparently we had passed that order at the instance of the respondents that they wanted to keep the applicant away from the sensitive post but now the applicant laments that he had an open-heart surgery in 2013 at the Apollo Hospital the details of which are not forthcoming even though we had queried. While so, it happens that the applicant was involved in some kind of infraction for which a CBI investigation is now pending against him. Since we have passed an order in the earlier OA that he should be kept in Dharmapuri, away from the place of infraction, we were under the impression that the

respondents violated our order and summoned the concerned officers. The officers are before us and in the presence of the learned counsel explained that Shri J. Bhaskar Reddy, learned counsel for the respondents, had apparently missed to give Annexure-A1 order copy to the respondents. We accept his apology and close this issue. But at the same time we hold that if there is a cloud of suspicion over the applicant it is better to have him removed to another place which is non-sensitive. To that extent we agree with the respondents. The respondents submit that they can provide a quarters to the applicant. Even otherwise the applicant has an address in Bangalore. Shri Shivakumar, learned counsel for the applicant, submits that his children are studying in Tamil medium and either they have to opt for Kannada medium or English medium as the case may be. Since the children are in the growing up stage they can adapt easily to Kendriya Vidyalaya which apparently is in place for all railway employees at Bangalore itself. Therefore there will not be any diminishment of their opportunities that way also. Therefore we do not want to go into the merits of the matter as the applicant is under the cloud of infraction in a criminal case and whatever findings we make may have a bearing on the criminal case as this is also a Civil Court. But after having heard the respondents, the respondents counsel and the learned counsel for the applicant, we are of the view that there is a need for the applicant to be taken out of Dharmapuri and placed in a non-sensitive post somewhere in Bangalore so that the public interest as well as the right of the employee both can be protected together.

2. Therefore 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. 170/00520/2018

Annexure A1 Copy of the order dated 06.02.2018 in OA No. 405/2017

Annexure A2 Copy of the O.O. No. 674/05/2018/VI/PG dated 24.05.2018

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