

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/01020/2016

DATED THIS THE 25TH DAY OF JULY, 2017

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

HON'BLE SHRI P. K. PRADHAN, MEMBER (A)

R. Jagannath,
S/o late Ramaswamy Iyengar,
Aged about 62 years,
Deputy Director (Retired),
ESIC Peenya Hospital,
Residing at No.119/11,
1st Floor, 10th Main, 6th Cross,
Indiranagar II Stage,
Bangalore – 560 038.

... Applicant

(By Advocate Shri B.S. Venkatesh Kumar)

Vs.

1. Union of India,
Secretary to Government,
Ministry of Labour and Employment
'Shram Shakti Bhavan',
Rafi Marg, New Delhi – 110 001.

2. The Director General,
Employees State Insurance Corporation
Headquarters, 'Panchdeep Bhavan',
GIC Road, New Delhi – 110 002.

3. The Deputy Director,
Employees State Insurance Corporation,
Headquarters,
'Panchdeep Bhavan',
GIC Road, New Delhi – 110 002.

4. The Deputy Director (Finance),
Employees State Insurance Corporation
Hospital – Peenya,

Survey No.11-55-1, Plot No.1,
Yeshwanthpur Industrial Suburb,
Yeshwanthpur,
Bangalore – 560 022.

...Respondents

(By Shri V.N. Holla, Counsel for the Respondents)

ORDER (ORAL)

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

Heard. This matter is a sequel to OA 649/2013 wherein it is alleged that on the demands of a Trade Union the applicant was transferred from Bangalore to Chennai. When the OA was heard it was found that this transfer was quite illegal and it was quashed. The same was challenged by the respondents in Writ Petition No. 35616/2014 in which the Hon'ble High Court had made a small change that when the applicant is to be brought back to Bangalore it may be to anywhere in the station and not exactly to the same place. Following the order of the Hon'ble High Court on 02.09.2014, a transfer order was issued to him on 12.12.2014 and on 02.01.2015 applicant had joined the post at Peenya Hospital. On 30.04.2015 applicant retired from service on attaining the age of superannuation and on 01.09.2016 certain orders were issued which the applicant claims is illegal. Annexure-A6 dated 01.09.2016 indicates that applicant was transferred from Tamil Nadu to Peenya on his request and therefore to be treated at his own cost. This stand taken by the respondents is absolutely illegal as it was not on the basis of applicant's request but it was on the basis of the finding of the Court that the original transfer order to Chennai was absolutely illegal, improper and highly unethical. Therefore Annexure-A6 is quashed.

2. As a consequence to Annexure-A6, Annexure-A7 was issued indicating that he had already drawn TA grant, transportation charges, travelling allowance and EL encashment which totally works out to Rs. 66,259/-. This amount he is entitled to. If at all this amount is not correctly paid then it shall be the responsibility of the officer who had initially ordered the transfer and if the ESI wants they can realize it from the concerned officer at that point of time but the applicant cannot be made to bear the burden. The applicant is entitled to the transfer grant as well as the leave on joining time and all the benefits which are attendant and incidental to the public interest transfer. Therefore Annexure-A7 is quashed.

3. OA is therefore allowed. No order as to costs.

(P. K. PRADHAN)
MEMBER (A)

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

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