

OA.No.170/00532/2018/CAT/Bangalore Bench  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/00532/2018**

**DATED THIS THE 19<sup>th</sup> DAY OF JULY, 2018**

**HON'BLE DR.K.B. SURESH, MEMBER (J)**  
**HON'BLE SHRI DINESH SHARMA, MEMBER (A)**

Dr.R.Raju, IFS  
S/o. Radhakrishna  
Aged about 60 years  
Occ: Managing Director  
of Karnataka Rural  
Infrastructure Development Ltd.  
Grameenabhivrudhi Bhavana  
Anandrao Circle  
Bangalore.

... Applicant

(By Advocate Shri Raghavendra G.Gayatri)

Vs.

1. The State of Karnataka  
Represented by its  
Principal Secretary  
Department of Personnel and  
Administrative Reforms  
Government of Karnataka  
Vidhana Soudha  
Bangalore-560 001.
2. Principal Secretary  
Department PWD., Ports, Inland Transportation and Water  
Resource  
Government of Karnataka  
M.S.Building  
Dr.Ambedkar Veedhi  
Bangalore-1.
3. Principal Secretary  
Department Rural Development and Panchayatraj  
Government of Karnataka  
M.S.Building  
Dr.Ambedkar Veedhi  
Bangalore-1.
4. B.G.Gurupadaswamy  
Chief Engineer  
Department PWD., Ports, Inland Transportation and Water

Resource  
Government of Karnataka  
M.S.Building  
Dr.Ambedkar Veedhi  
Bangalore-1.

...Respondents

(By Advocate Shri V.N.Holla)

ORDER (ORAL)

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

Heard. Reply is not filed till now. But in this case, at this juncture no reply is required. As on 11.06.2018, the applicant had only 3 days' time to superannuate. Therefore, we had granted an interim order staying his transfer as such transfer could not have been made. The legal situation relating to it is even now present. The applicant could not have been transferred and at this point of time, the applicant is already superannuated. Therefore, there is no practical point in keeping the OA alive.

2. We hold that the applicant could not have been transferred and transfer order was illegal and we quash it. But OA will not survive as practically the applicant is not a Government servant any more. But we hold that in relation to the post he was holding, he will be eligible to DCRG and all the benefits in continuation of it and there need not be any other doubt on this. We also say that this matter be settled within two(2) months next.
3. The OA is disposed off. No costs.

(DINESH SHARMA)  
MEMBER(A)

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

**Annexures referred to by the applicant in OA.170/00532/2018**

Annexure-A1: Copy of the Cadre and Recruitment Rules of KRIDL, Dt.7.12.2015, effective from 24.11.2015

Annexure-A2: Copy of the Transfer Order dtd.20.8.2016 pertaining to the applicant to the post of MD-KRIDL

Annexure-A3: Copy of the Re-posting order dtd.29.8.2016 pertaining to the applicant to the post of MD-KRIDL

Annexure-A4: Copy of the Notification of applicant and others pertaining to superannuation dtd.13.10.2017

Annexure-A5: Copy of impugned Transfer Notification dt.8.6.2018 with translation to the extent of the Sl.No.3 pertaining to the applicant and Respondent No.4.

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