

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00532/2018

DATED THIS THE 19th 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.
