

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00387/2017

DATED THIS THE 10TH DAY OF SEPTEMBER, 2018

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

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

Dr. Chandrashekara C.,
S/o Chennakeshavaiah C.,
Aged about 36 years,
Working as Scientist in the
Plant Pathology Department,
IIHR, Hesaraghatta,
Bengaluru – 560 089,
And
R/at No. 18, 7th Cross, Mathru Layout,
Yelahanka New Town,
Bengaluru – 560 065

.....Applicant

(By Advocate M/s Subbarao & Co.)

Vs.

1. Union of India
Rep. By its Secretary,
Ministry of Agriculture and
Farmers Welfare,
Krishi Bhavan,
New Delhi – 110 001

2. Indian Council of Agricultural
Research,
Rep. By its Director General,
Krishi Bhavan,
New Delhi – 110 001

3. The Indian Institute of
Horticultural Research,
Hesaraghatta Lake Post,
Bengaluru – 560 089

4. Dr. Mahesha B
Aged about 35 years
Working as Scientist in the
Plant Pathology Department,
IIHR, Hesaraghatta,
Bengaluru – 560 089

....Respondents

(By Shri B.A. Chandrashekar, Counsel for Respondent No.3 and
Shri B. Vishnu Bhat, Counsel for Respondent No.4)

O R D E R (ORAL)

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

Heard. MA No. 170/00194/2018 and 195/2018 are disposed off. The learned counsel for the respondents submits that now a cadre review is going on in the department and only after the cadre review they can decide the placement. But since the transfer and placement of the applicant is challenged, we will now hold that all the transfer orders are hereby quashed. But we will leave it open to the respondents to determine at a later stage whether the applicant or any others had to be transferred out keeping in view that there cannot be empire building at any particular station. This they shall ensure. But since the cadre review is going on, we will hand over the matter back to the respondents to decide after the cadre review is over. But they should also remember that there should not be any mid-academic term transfer and there must be adequate notice to the transferee so that they can make alternative arrangements.

2. The OA is disposed off. No order as to costs.

(DINESH SHARMA)
MEMBER (A)

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

/ksk/

Annexures referred to by the applicant in OA No. 170/00387/2017

Annexure A1 Copy of the order of transfer dated 04.01.2016

Annexure A2 Copy of the order of transfer dated 29.08.2016

Annexure A3 Copy of the letter dated 08.11.2016

Annexure A4 Copy of the endorsement dated 27.12.2016

Annexure A5 Copy of the reply dated 03.01.2017

Annexure A6 Copy of the Agenda note

Annexure A7 Copy of the proceedings dated 21.03.2017

Annexure A8 Copy of the transfer policy of ARS scientists

Annexure A9 Copy of the office order dated 20.05.2017

Annexure A10 Copy of the letter by R2 to R3

Annexure A11 Copy of the relieving order of Dr. Mahesha B

Annexure A12 Copy of the cancellation order of Dr. Mahesha B

Annexure A13 Copy of the transfer copy of applicant dated 03.07.2017

Annexure A14 Copy of the representation by the applicant dated 05.07.2017

Annexure A15 Copy of the medical reports of parents of the applicants

Annexures with reply statement

Nil

Annexures with rejoinder

Annexure A16 Copy of the Agenda note

Annexure A17 Copy of the inter institutional scientist transfer guidelines

Annexure A18 Copy of the list of scientist joined in the Division of Plant Pathology at ICAR-IIHR

Annexure A19 Copy of the letter issued by R2 to attend the interaction session at NASC Complex, New Delhi

Annexures with MA 195/2018

Annexure A20 Copy of the information downloaded from IIHR website regarding the cadre strength

Annexure A21 Copy of the information from ICAR Personal Management System regarding the applicant

Annexure A22 Copy of the information regarding service details of the applicant in ICAR

Annexures with reply to MA

Annexure R1 Copy of the list of names of entry level Scientists

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