

OA.No.170/00536/2018/CAT/Bangalore Bench  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/00536/2018**

**DATED THIS THE 17<sup>th</sup> DAY OF SEPTEMBER, 2018**

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

**HON'BLE SHRI C.V.SANKAR, MEMBER (A)**

G.Krishnamurthy  
 S/o.G.Basavanagouda  
 Aged about 50 years  
 Working as Scientist-D (Sr.GO)  
 Central Ground Water Board  
 South Western Region  
 Bangalore-560102.  
 Residing at:  
 No.21, Silk Board Colony  
 11<sup>th</sup> Main, 3<sup>rd</sup> Cross  
 Hongasandra, Begur Road  
 Bangalore-560068.

...Applicant

(By Advocate Shri P.Kamalesan)

Vs.

1. Union of India  
 Represented by Secretary  
 Ministry of Water Resources  
 River Development & Ganga Rejuvenation(RD & GR)  
 Shram Shakthi Bhavan  
 New Delhi.
2. Chairman  
 Central Ground Water Board  
 Ministry of Water Resources, CHQ  
 Bhujal Bhawan, NH-4  
 Faridabad-121001.
3. Director  
 ADMN., Central Ground Water Board  
 Ministry of Water Resources, CHQ  
 Faridabad-121001.
4. The Region Director  
 Central Ground Water Board  
 South Western Region  
 27<sup>th</sup> Main, 7<sup>th</sup> Cross  
 HSR Layout, Sector I  
 Bangalore-560102.

...Respondents

(By Advocate Shri H.R.Sreedhara)

O R D E R (ORAL)

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

Heard. The matter relates to transfer. While it is correct that transfer is regular norm in Govt. Service, nobody should have been allowed to stay on in any particular geographical location for a long time. This cannot be utilised as a matter of personal whims and fancies. The rules require the respondents to consider the option given for a choice posting on transfer. On such postulation apparently the applicant had chosen Hyderabad, Chennai and Belgaum. The respondents admit that a post is vacant at Hyderabad. But they would say that a senior most person has retired at Bhopal and therefore instead of going by the guidelines they have violated it and posted the applicant at Bhopal for administrative exigency. Therefore, we had queried the Learned Counsel and the Departmental representative on the nature of administrative exigency present in the case of the applicant. It turns out that in Annexure-A10 one Subhash C. Singh seems to be transferred from Bhopal to Raipur on request. A corrigendum is issued instead of Raipur, it should be read as Nagpur. On further enquiry it transpires that Ministry has apparently given such a direction to post Subhash C.Singh and therefore only a vacancy has arisen in Bhopal. Ministry has had actually no such rule and role of the Ministry under the constitutional governance is to form a policy and not to interfere in day to day working of the department. However, since that may not be the crucial issue in it, we are not saying anything more on the issue as the failure obviously was failure on the part of the Ministry itself.

2. But at the same time, the vacancy at the Hyderabad still subsists. Under the rules, applicant is eligible to get it. It is submitted that the applicant served in Bangalore for 14 years and obtained two promotions also. This is totally irrelevant. That is up to the respondents if they wanted him to continue in the

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interregnum. This will not be a prejudicial point against the applicant. Under the rules, the applicant is eligible to be posted at Hyderabad. Therefore, the transfer order to Bhopal is hereby quashed and a mandate is issued to the respondents to issue transfer of the applicant to Hyderabad forthwith and in any case within next two(2) weeks.

3. The OA is allowed to this limited extent. No costs.

(C.V.SANKAR)  
MEMBER (A)

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

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- Annexure-A1: Copy of Ministry of Water Resources, Central Ground Water Board, Faridabad OM No.1405/2016 SCI/Estt/46 dtd.27.5.2016
- Annexure-A2: Copy of Central Ground Water Board, Hyderabad letter No.7/2(1)CGWB/SR/2017-664 dtd:5.6.2017
- Annexure-A3: Copy of Ministry of Water Resources, GWE (Est), New Delhi letter No.25/80/2014 CG WB. dtd: 11.12.2017
- Annexure-A4: Copy of Government of India, Central Ground Water Board CHQ-Faridabad letter No.7591 dtd.14.12.2017
- Annexure-A5: Copy of Government of India, Central Ground Water Board, CHW Faridabad letter No.20-02/2015 Min Est.47 Dtd: 2.1.2018
- Annexure-A6: Copy of Ministry of Water Resources CHQ Faridabad letter No.14-5/2016-Set/Estt.9 dtd.3.1.2018
- Annexure-A7: Copy of Ministry of Water Resources, CHQ Faridabad letter No.14-3, 2018/2151 dtd.11.4.2018
- Annexure-A8: Copy of Central Ground Water Board, S.W.Region, Bangalore letter No.13-11/GKM/Admn/2016-268 dtd.12.4.2018
- Annexure-A9: Copy of Ministry of Water Resources, Central Ground Water Board, Faridabad letter No.14-3/2018-SCI Est.3242 dtd.5.6.2018
- Annexure-A10: Copy of Ministry of Water Resources, Central Ground Water Board, CHQ Faridabad letter No.14-3/2018 SCI/Estt/3241 dtd:5.6.2018
- Annexure-A11: Copy of identity card of applicant's wife
- Annexure-A12: Copy of fees paid in respect of applicant's son

**Annexures with reply statement:**

-NIL-

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