

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

ORIGINAL APPLICATION NO.170/00536/2018

DATED THIS THE 17th 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
11th Main, 3rd 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
27th Main, 7th 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-
