

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/001874/2018

DATED THIS THE 18TH DAY OF JANUARY, 2019

**HON'BLE DR.K.B. SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

R.K. Mandre,
Aged about 57 years,
S/o Late Krishnaji,
Radiographer,
Central Hospital, Government of India,
Ministry of Labour, Kalyangiri,
Mysore-570 029.
Res at: QTR No.2, Type III,
Central Hospital Campus,
Kalyangiri, Mahadevpur Road,
Mysore-570 029.

..Applicant.

(By Advocate Shri K. Hanifa)

Vs.

1. Union of India
Rep. by Joint Secretary & Director General (LW),
Ministry of Labour & Employment,
Shram Aur Rozgar Manthralaya,
Jaisalmer House, Man Singh Road,
New Delhi – 110 011.
2. Welfare Commissioner,
Ministry of Labour & Employment,
O/o the Welfare Commissioner,
Labour Welfare Organisation,
Shram Kalyan Sadan, 3rd Cross, 3rd Main,
2nd Stage, Yeshwanthpur Industrial Suburb,
Tumkur Road,
Bangalore-560 022.

3. Chief Medical Officer,
Central Hospital, Government of India,
Ministry of Labour, Kalyangiri,
Mysore-570 029.

4. Sri G.K. Dattatreya,
Radiographer,
Central Hospital
Kalyangiri, Mahadevapur Road,
Mysore-570 029.

...Respondents

(By Standing Counsel Shri V.N. Holla for R 1-3
Shri H.M. Muralidhar Counsel for R-4)

ORDER (ORAL)

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

Heard. After we had the occasion to go through the office file, we found that an improper request had been made by a political leader, which had been the reason for transferring the applicant to make way for the 4th respondent. Without any doubt, it is illegal and highly improper. This transfer order is hereby quashed. The applicant will remain at Mysore and the other person will remain where he was earlier.

2. Shri V.N. Holla, learned counsel for the respondents seeks some more right to decide the administrative exigencies. They have proven themselves to be unworthy of being given any opportunity for any such sensitive decision. We will not therefore grant it to them. OA allowed.

3. When we granted the interim order, we were under the bonafide belief, going by the applicant's contention that he had not received the transfer order,

but only being told orally of his transfer as he has received the order. After discussing at the bar, we are convinced that the applicant had suppressed the matter. Therefore, we impose a cost, even though we had allowed the OA, of Rs.10,000/- on the applicant, which the respondents can recover from his salary.

(C.V. SANKAR)
MEMBER(A)

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

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Annexures referred to by the Applicant in OA No.170/001874/2018

1. Annexure A1 : Copy of Appointment order dated 18.4.1984.
2. Annexure A2 : Copy of posting order of the applicant dated 12.09.1984.
3. Annexure A3 : Copy of Transfer order of the applicant posting from CH Kariganur to CH Mysure dated 16.04.1997
4. Annexure A4 : Copy of Transfer order of the applicant again posting at CH Karganur dated 26.04.2005.
5. Annexure A5 : Copy of transfer order posting the applicant to CH Gursayganj dated 30.6.2006.
6. Annexure A6 : Copy of representation of the applicant against the above order dated 06.07.2006.
7. Annexure A7 : Copy of reliving order of the applicant to report CH, Gursayganj, Allahabad Region dated 06.07.2006.
8. Annexure A8 : Copy of Appeal of the applicant to transfer him to CH, Mysuru dated 22.02.2010.
9. Annexure A9 : O.O. posting applicant to CH, Mysuru dated 29.06.2010.
10. Annexure A10 : Copy of Postponing the transfer order till the R-4 joining at CH Gursayganj dated 14.7.2010.
11. Annexure A11 : Copy of RTI Information dated 03.3.2010.
12. Annexure A12 : O.O for deferring the transfer order dated 29.6.2010 till 31.3.2011 dated 18.8.2010 by R-1.
13. Annexure A13 : Order Copy in OA.311/2010 dated 20.8.2010.
14. Annexure A14 : O.O for deferring the transfer order dated 29.6.2010 till 31.3.2011 dated 28.3.2011 by R-1.
15. Annexure A15 : Order Copy in WP-A No.52933/2011 dated 27.9.2011.
16. Annexure A16 : O.O dt. 22.11.2011 issued by R-1 to relieve applicant from CH Gursayganj and report to CH, Mysuru.
17. Annexure A17 : Order Copy in OA.532/2011 dated 08.10.2012 filed by the applicant before the CAT, Allahabad Bench.
18. Annexure A18 : Copy of representation of the applicant dated 28.03.2018.
19. Annexure A19 : Forwarding the representation of the applicant by R-3 dated 31.03.2018.
20. Annexure A20 : List of employees working under Labour Welfare Organisation, Bangalore Region.
21. Annexure A21 : Copy of representation of the applicant dated 13.12.2018.

Annexures referred to by the Applicant in MA No.263/2018

- 22. Annexure A22 : Copy of representation of the applicant dated 19.12.2018.
- 23. Annexure A23 : Copy of Transfer order dated 04.12.2018.

Annexures referred to by the R-4 in Application for vacating IR

- 1. Annexure R1: Copy of Office order dated 04.12.2018.
- 2. Annexure R2 : Copy of Relieving order dated 11.12.2018.
- 3. Annexure R3: Copy of Office order dated 12.12.2018.
- 4. Annexure R4: Copy of the duty report dated 12.12.2018.
- 5. Annexure R5 : Copy of Relieving order dated 14.12.2018.
- 6. Annexure R6 : Copy of representation dated 21.08.2018.

Annexures referred to by the R 1-3 in the Reply

- 1. Annexure R1: Copy of Welfare Commissioner's order dated 07.5.2018.
- 2. Annexure R2: Copy of Office order dated 04.12.2018
- 3. Annexure R3: Copy of Welfare Commissioner's order dated 12.12.2018.
- 4. Annexure R4: Copy of Relieving order dated 14.12.2018.

Annexures referred to by R-4 in Addl. Objections

- 7. Annexure R7: Copy of Office order dated 12.12.2018.
- 8. Annexure R8: Copy of the letter dated 02.01.2019.

Annexures referred to by the Applicant in Rejoinder to Reply of R 1-3

- 24. Annexure A24 series : Leave letters dated 13.12.2018 and 19.12.2018
- 25. Annexure A25 : Leave letter dated 17.12.18.
- 26. Annexure 6 : Guidelines of transfer dated 27.03.2014 furnished on 12.1.2019.

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