

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00767/2019

DATED THIS THE 17TH DAY OF JULY, 2019

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

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

Dr.G.C. Prakash, IAS,
S/o G.C. Channigarayappa,
Aged about 55 years,
Working as Managing Director,
Mysuru Sales International Limited,
Bengaluru,
Residing at No.701, A-4, Ganga Block,
National Games Village,
Koraamangala,
Bengaluru-560 047.

..... Applicant

(By Advocate M/s Subbarao & Co.)

Vs.

1. The Union of India,
Represented by its Secretary,
Department of Personnel & Training,
New Delhi.
2. The State of Karnataka,
By its Principal Secretary,

Department of Personnel
And Administrative Reforms,
Vidhana Soudha,
Bengaluru-560 001.

3. Mahesh B. Shirur, IFS,
Aged about 57 years,
Working as Additional Principal
Chief Conservator of Forests,
Forest Resource Management,
Bengaluru

....Respondents

(By Shri Sathyanarayana Singh, Counsel for the State Government)

O R D E R (ORAL)

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

We heard both the counsels. Applicant claims that he had been in the position only from October, 2017 and in 2019 he had been transferred out. His claim is that because of the political clout of the 3rd respondent he has been removed. We do not know at this stage whether the 3rd respondent had any political clout to be taken out against the applicant but that appears to us to be not a very valid and relevant ground, therefore, we had queried the learned counsel for the applicant as to whether he comes under the protection of the Hon'ble Apex Court order relating to transfer. His children are apparently not studying in the requisite standard of study which would militate against him being removed.

2. The second complaint of the applicant seems to be that he has been removed prematurely. We cannot understand the word 'prematurely' in this case as MSIL is a government entity and, as such, being a company of commercial activity of the State Government it is for the State Government

to primarily decide whether applicant or any other person should head that entity. However, applicant has not given us any detail even though we had queried him as to whether greater public interest would demand that applicant be continued at that position. We had asked him whether applicant had turned around the company and gained profits for the company so that the government cannot overlook such competence. Apparently the learned counsel for the applicant is silent on the point and is unable to reply. One other ground raised by the applicant is that he has not been given posting as yet which we feel is a valid ground. Therefore, there will be a specific mandate to the Chief Secretary to issue applicant with a posting order within the next 24 hours.

3. The OA is disposed off as above. No order as to costs.

(C.V. SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

Annexures referred to by the applicant in OA No. 170/00767/2019

Annexure-A1: Copy of the notification dated 10.10.2017

Annexure-A2: Copy of the notification dated 16.07.2019

Annexure-A3: Copy of the IAS (Cadre) (Amendment) Rules 2014

Annexure-A4: Copy of the order date 16.09.2016 passed in WP No. 48499/2016

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