

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00766/2019

DATED THIS THE 17<sup>TH</sup> DAY OF JULY, 2019

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

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

Sri O. Palaiah, IFS,  
S/o K.B. Obaiah,  
Aged about 58 years,  
Working as Managing Director,  
Karnataka State Electronics  
Development Corporation Ltd.,  
2<sup>nd</sup> Floor, TTMC 'A' Block,  
Shanthinagar,Bengaluru-560 027.  
Residing at No.3213, VHBCS Layout,  
4<sup>th</sup> Phase, Girinagar, Hosakerehalli,  
Bengaluru.

(By Advocate M/s Subbarao & Co.)

..... Applicant

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. Sri T.R. Suresh, IPS,  
DIG & Joint Commissioner of Police,  
City Armed Reserve Unit,  
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. The applicant raises a challenge against his transfer on two grounds. One ground is that he wants to rely on Annexure-A4 judgement of the Hon'ble High Court with which we are in complete agreement but then it may not have any relevance to present case as this matter related to a lady officer who had been sexually harassed and on complaint being filed, as a mark of creating amity, the superior officers sought for her transfer and the other person's transfer so as to defuse the situation. The Hon'ble High Court could not agree to that situation which is perfectly right. Such is not the case here.

2. The applicant raises another objection that he is not posted and the Hon'ble High Court in other cases had come down heavily against transfer orders issued without any posting order. This also is a correct stipulation. Therefore, we will now direct the Chief Secretary to the Government of Karnataka to immediately issue a posting order, in any case, within the next

24 hours to the applicant. Applicant raises another issue that he had served only for 10 months in the KEONICS and that he had been replaced by an IPS. If electronics can be handled by a Forest Officer, without any doubt, it can be handled by a Police Officer. So, this objection raised by the applicant does not carry any weight. Therefore, there will be a specific mandate to the Chief Secretary to post the applicant within the next 24 hours to an appropriate place within Bangalore as his children are studying in 10<sup>th</sup> and 12<sup>th</sup> standard.

3. At this point of time, applicant raises one more issue that even though there may not be any factual malafides in the transfer order against him there may be a legal malafide in it. He says that without giving a posting if a transfer order had been issued it is a legal malafide. That is why we have issued a direction to the Chief Secretary to give him an immediate posting.

4. 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. 170/00766/2019**

Annexure-A1: Copy of the notification dated 15.09.2018

Annexure-A2: Copy of the order dated 31.12.2018

Annexure-A3: Copy of the notification dated 16.07.2019

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

Annexure-A5: Copy of the ID card of the daughter of the applicant

Annexure-A6: Copy of the ID card of the son of the applicant.

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