

(2011) 11 KAR CK 0028

In the Karnataka High Court

Case No : Writ Petition No. 39408 of 2011 (S-KAT)

C. Thimmaiah

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 02-11-2011

Acts Referred:

Citation : (2011) 11 KAR CK 0028

Hon'ble Judges : K.L. Manjunath, J;B. Manohar, J

Bench : Division Bench

Advocate : B.B. Bajentri, for the Appellant; Revathi Adinath Narde, HCGP for R-1 and 2 Advocate and Sri. M.R. Shailendra for R-3, for the Respondent

Judgement

Manjunath, J.—Petitioner is challenging the legality and correctness of the order passed by the Karnataka Administrative Tribunal, Bangalore dated 14.10.2011 in Application No.4039/2011. Petitioner Thimmaiah was working as Block Education Officer in South Range-I, Bangalore since 6.9.2009. R-3 Kempaiah was working as Block Education Officer, Bangalore North Range-I for more than 5 years. By an order of transfer dated 30.6.2011 R-3 has been posted to the place of the petitioner and petitioner has been ordered to be posted as lecturer in DIET, Bangalore Urban District. This order was questioned by the petitioner before the tribunal on the ground that though he had not completed minimum period of transfer and even though he has left with few months of service for retirement and that he is going to attain the age of superannuation on 31.3.2012. With a malafide intention Government has transferred R-3 to his place to see that R-3 is retained in Bangalore even though he has completed 5 years in Bangalore. Petition filed by the petitioner has been dismissed. Challenging the same, present petition is filed.

2. we have heard the counsel for the petitioner and Govt. Advocate for R-1 & 2 and also Mr. Shailendra for R-3.

3. After arguing the matter, it is suggested from the Bar since petitioner is going

to retire on 31.3.2012, petitioner may be continued as Block Education Officer, South Range-I, Shankarapura, Bangalore and from 1.4.2012 R-3 may be posted to his place for which R-1 & 2 have no objection. Since petitioner is left with only few months of service for attaining the age of superannuation as R--3 has no objection for the petitioner to continue till his retirement, accordingly, this petition is disposed of modifying, the orders of the tribunal dated 14.10.2011 on Application No.4039/2011. Petitioner shall not be disturbed till 31.3.2012 and thereafter R-3 shall be reported in place of the petitioner.