

(2017) 02 KAR CK 0074

In the Karnataka High Court

Case No : W.A. No. 100322 of 2016 c/w W.A. No. 100302 of 2016 (S-KSRTC)

Karnataka State Road Transport Corporation

APPELLANT

Vs

Ashok

RESPONDENT

Date of Decision : 22-02-2017

Acts Referred:

Citation : (2017) LabLR 517

Hon'ble Judges : Mr. Vineet Kothari and Mr. Sreenivas Harish Kumar, JJ.

Bench : Division Bench

Advocate : Sri Ravi V. Hosamani, Advocate, for the Appellant in W.A. No. 100322 of 2016; Sri. M.C. Nanayya, Senior Counsel and Sri. K.L. Patil, Advocate, for the Respondent No. 1 in W.A. No. 100322 of 2016; Sri. Shivakumar Badawadgi, Advocate, for the Respondent No. 2 in W.A. No. 100322 of 2016; Sri. Shivakumar S. Badawadagi, Advocate, for the Appellant in W.A. No. 100302 of 2016; Sri. M.T. Nanayya, Senior Counsel and Sri. K.L. Patil, Advocate, for the Respondent No. 1 in W.A. No. 100302 of 2016; Ravi V. Hosmani, Advocate, for the Respondent No. 3 in W.A. No. 100302 of 2016; Served, for the Respondent No. 2 in W.A. No. 100302 of 2016

Final Decision : Disposed Off

Judgement

Mr. Vineet Kothari, J.—These appeals are directed against the order of the learned Single Judge dated 24/2/2016 along with WP No. 113712/15 between Ashok S/o Rudragowda v. State of Karnataka and Others, the following directions were issued by the learned Single Judge :-

"4. If such an order is sustained it would send a wrong signal that those who come to Courts and seek redressal against the transfer orders would be dealt with severely by withdrawing their services and by posting them to remote places. The Court has to come to the aid of such petitioner particularly when he is stated to be an efficient officer and there was no reason why his services be disturbed against his will and in the middle of the year contrary to the circular instructions regulating transfers. Therefore, both the orders are set aside. The writ petition is accordingly allowed.

The 2nd respondent is directed to identify a suitable post to which the petitioner can be posted within the limits of Dharwad district. This order is passed taking note of the fact that some other Officer has been already posted to the place of the petitioner and has been working there and that ends of justice would be met if the petitioner is posted to any appropriate post within the district, for the present."

2. Being aggrieved by the same, the N.W.K.R.T.C, has filed the present writ appeals and in pursuance of the directions of this Court, the learned counsel for the N.W.K.R.T.C. has produced before us a memo dated 21/2/2017 along with the copy of the letter dated 5/12/2015 written by the Managing Director of N.W.K.R.T.C. to the Managing Director of the K.S.R.T.C. explaining the background, in which, the present respondent Mr. Ashok R. Patil was repatriated that by N.W.K.R.T.C. to K.S.R.T.C. which came to be challenged by him before the learned Single Judge.

3. During the course of arguments, the learned senior counsel for the respondent-employee, Sri. M.T. Nanayya has submitted before us that there are still vacancy in the Central office of N.W.K.R.T.C. at Hubli, itself and the appellant-N.W.K.R.T.C. can be directed to retain the services of the respondent at that place.

4. We are of the opinion that we cannot give any such direction in this regard, and therefore, we leave it free for the respondent Mr. Ashok R. Patil to make a suitable representation to the Managing Director of the appellant-N.W.K.R.T.C. and we expect that the representation would be considered fairly and objectively uninfluenced by any observation made by the learned Single Judge in the impugned order.

5. The direction of the learned Single Judge, in the order under appeal before us to post Mr. Ashok R. Patil, within the limits of Dharwad district, shall stand modified to the aforesaid extent. We leave it free for the Managing Director of N.W.K.R.T.C. to decide such representation of the respondent fairly and expeditiously preferably within a period of one month, from today subject to the availability of the vacant post.

6. Accordingly, these appeals stand disposed of.