

(2014) 01 KAR CK 0276

In the Karnataka High Court

Case No : Writ Petition No. 24688 of 2013 (S-CAT)

Ms. T. Dhillshathu Beegam

APPELLANT

Vs

The Director, Atomic Minerals Directorate for Exploration and
Research Department of Atomic Energy and Others

RESPONDENT

Date of Decision : 06-01-2014

Acts Referred:

Citation : (2014) 2 KarLJ 542

Hon'ble Judges : S. Abdul Nazeer, J;H.S. Kempanna, J

Bench : Division Bench

Advocate : A.J. Srinivasan, Advocate for the Appellant; M. Vasudeva Rao, Senior Standing Counsel, Advocate for the Respondent

Judgement

H.S. Kempanna, J.—This petition preferred by the petitioner is directed against the order dated 11-6-2013 passed in O.A. No. 809 of 2012 by the Central Administrative Tribunal, Bangalore Bench, Bangalore, declining to interfere with Annexure-A1, the transfer order, wherein the petitioner has been transferred from Bangalore to Delhi. It is the case of the petitioner that she joined as Scientific Officer in Southern Region of Atomic Minerals Directorate, Bangalore on 18-9-2003. She was promoted to the grade of Scientific Officer - "D" on 1-8-2008. The respondents vide Annexure-A1, dated 5-9-2012 transferred her from Bangalore to Delhi along with other officers, which comprised of four lady officers also to different places. It is her case that she had made allegations against her immediate Superior Officer, in response to which a Committee was constituted to look into the said allegations wherein the Committee found that the allegations made by her were true. On account of the same, she has been victimised by transferring her from Bangalore to Delhi at the behest of other Scientists who are the henchmen of her immediate superior. It was also contended her presence at Bangalore is required to assist her father who is suffering from medical infirmity and further as she has been transferred with a mala fide intention the order be quashed.

2. The respondent opposed the application and among other things inter alia contended that the petitioner has been transferred by taking all factors into consideration. They denied the plea of victimisation and contended, apart from the petitioner four other lady officers have been transferred to other places. The order of transfer is made in the interest of the department and accordingly sought for dismissal of the application.

3. The Tribunal taking into consideration the entire material placed on record came to the conclusion as the order of transfer is made in the interest of department, it does not call for interference as contended by the petitioner and accordingly by the impugned order dismissed the application.

4. Learned Counsel for the petitioner contended the petitioner has been victimised on account of she having made allegations against her immediate Superior Officer. He further contended she has been transferred at the instance of her colleagues working at Bangalore who are the henchmen of her immediate Superior Officer against whom she had made complaints. Normally no lady officer working in the respondent-organisation will be transferred. The presence of the petitioner at Bangalore is required as she has to take care of her father who is suffering from medical infirmity. The Tribunal has not appreciated the contentions of the petitioner in its right perspective and thereby has committed an error in dismissing the application filed by her which cannot be sustained, it be set aside and her application be allowed by quashing the order of transfer which is at Annexure-A1. We have gone through the impugned order and also the entire material that is placed before us. The learned Counsel for the petitioner has not pointed out any transfer policy in the case. Admittedly the petitioner is working at Bangalore for the last 10 years. We find from Annexure-A1 four other lady officers, who are similarly placed as that of this petitioner, have been transferred to different places. The order impugned discloses that it has been made in the interest of administration in the department. In view of the same taking into account that the petitioner is working at Bangalore for the last 10 years and as no transfer policy is placed before us, in the circumstances we do not find any justification to interfere with the impugned order of the Tribunal. Accordingly, we do not find any merit in the petition and it is dismissed.