

(1980) 02 KAR CK 0027
In the Karnataka High Court
Case No : WP 13985/79

Narasaraju

APPELLANT

Vs

Common Cadre Authority for Pld Banks and Others

RESPONDENT

Date of Decision : 19-02-1980

Acts Referred:

Karnataka Co-operative Societies Rules, 1960 — Rule 17

Citation : (1980) 1 KarLJ 379

Hon'ble Judges : Chandrakantharaj Urs, J

Judgement

1. This Writ Petition coming up for orders, by consent of Counsel appearing for parties is taken up for hearing and disposed of by the following order, though no rule has been issued earlier.

2. The petitioner has prayed for quashing of the orders of transfer made on 9-3-1979 and 14-4-1979 as per Annexures A1 and A2 to the petition. The chief complaint in this Writ Petition has been that in response to transfer orders, when he attempted to report himself for duty at the places to which he was transferred, he was not allowed to take charge of those posts. Thereafterwards, he approached the 1st respondent as well as the 2nd respondent but without any result. Hence, he approached this Court under Art. 226 of the Constitution of India praying for a direction that the Annexures A1 and A2 may be quashed and for a further direction, that the order relieving him from the post of Assistant Secretary under the 2nd respondent be quashed.

3. The learned Government Advocate appearing for the 1st respondent has produced an order dated 11-1-1980 by which one M.S. Mallanna, Assistant Secretary of the 2nd respondent-Bank has been relieved from that post and that post is now vacant. As the 1st respondent has not been able to ensure effectually the transfer orders passed by it at annexures A1 and A2, it is necessary to issue direction to the 1st respondent to recall the orders of transfer at Annexures A1 and A2 and post the petitioner to the 2nd respondent-Bank as Assistant Secretary.

4. However, the learned Counsel appealing for the 2nd respondent has brought to my notice that the 2nd respondent-Bank has passed a resolution by which they have abolished the post of Assistant Secretary. He has not been able to show the source of authority empowering the Management of the 2nd respondent-Bank to so abolish the post. On perusal of Rule 17 of the Karnataka Co-operative Societies Rules, it is clear that the sanctioned strength of the posts of a Society is according to the budget sanction and with the prior approval of the Registrar of Co-operative Societies in Karnataka. If, on the date of the latest order of transfer made by the 1st respondent that is, on 11-1-1980, the post of Assistant Secretary existed in the 2nd respondent-Bank, it is not open to the 2nd respondent-Bank to pass a resolution of the kind which has been brought to the notice of the Court in order to frustrate the posting of the petitioner to that post.

6. In the circumstances, the petitioner's prayer for appropriate direction must necessarily succeed and a direction will issue to respondent-2 to comply with the directions issued by Respondent-1 to take the petitioner as Assistant Secretary at the Bank forth-with.

7. There will be no order as to costs.