
(1979) 06 KAR CK 0028
In the Karnataka High Court
Case No : WP. 6494/79

R. Manjunath

APPELLANT

Vs

Karnataka Electricity Board and Another

RESPONDENT

Date of Decision : 18-06-1979

Acts Referred:

Karnataka Electricity Board Employees Service Regulations — Regulation 20

Citation : (1980) 1 KarLJ 87

Hon'ble Judges : Chandrakantharaj Urs, J

Judgement

1. The petitioner is an employee in the capacity of a Junior Assistant in the Karnataka Electricity Board Bhadravathi, working at Bhadravathi Sub-Division in the Office of the Executive Engineer (Elec.) Bhadravathi. In this petition, he has impugned the Official Memorandum which is no other than an order of transfer made by the Executive Engineer (Elec.) O & M, Shimoga.

2. The order of transfer involving the petitioner along with others has been assailed by him on the ground that certain persons are inimically disposed towards him on account of his activities supporting one section of the workers as against the rival trade union. It is further averred that in connection with an incident in the office, he had filed certain complaints and that certain suits are pending in the Court of the II Additional Munsiff, Bangalore and also an appeal before the Civil Judge Shimoga, in connection with the election held to the Union referred to earlier as a rival union. The petitioner wants the Court to infer on the said allegations made, that some people, who are hostile to him got his name inserted in a ground transfer effected as per Exhibit-A.

3. There is no allegation against the 2nd respondent the Executive Engineer, acting male fide nor is there any allegation against the 1st respondent-Board.

4. Similarly, assertion of the petitioner is that the 2nd respondent has not applied his mind. It is not borne out by any material placed before this Court. It will be unreasonable to infer that the Executive Engineer (2nd respondent) did not apply his mind while effecting the transfers as per Exhibit-A on the material placed on

the record and the averments made in the petition.

5. The learned Counsel appearing for the petitioner, next contended that under Regulation 20 of the Karnataka Electricity Board Employees' Services Regulations, the Board had no power to transfer persons from one post to another. The Regulation 20(a) reads as follows:

"The Board may transfer an employee from one post to another provided that, except- (1) as a penalty imposed for misconduct, or (2) on his written request, an employee shall not be transferred substantively to or except in a case covered by Rule 49, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under Rule 19."

4. The learned Counsel wants this rule understood in such a manner that the transfer can be imposed only as a measure of punishment or at the request of the employee. Such an interpretation is plainly impermissible having regard to the language of the Regulation.

5. For the reasons above stated, this writ petition is rejected.