



केन्द्रीय रेशम बोर्ड CENTRAL SILK BOARD
(वस्त्र मंत्रालय, भारत सरकार Ministry of Textiles - Govt. of India)
केरेबो कॉम्प्लेक्स, बी टी एम लेआउट, मडिवाला
CSB Complex, BTM Layout, Madiwala
बेंगलूरु Bangalore – 560068

Dated: 03/05/2019

No.CSB-48(30)/2018-ESI-Law

CIRCULAR

To

All the Directors / Incharges of Research Institutes / Unit Incharges

Sir / Madam,

Sub:- Forwarding of Important Order delivered by the Hon'ble CAT, Bangalore in
O.A. No. 170/01623/2018 dated 26th March, 2019
* * * *

Please find enclosed herewith a copy of the Order dated 26/03/2019 delivered by the Hon'ble CAT, Bangalore in O.A. No. 170/01623/2018 in the case of Shri N. Giridhar Srinivas Vs Union of India, MoT, New Delhi & CSB, Bangalore.

In the instant matter, the Hon'ble Central Administrative Tribunal has dismissed the Application filed by Shri N. Giridhar Srinivas, Assistant Director (Inspection) challenging the Transfer Order dated 11.07.2018 in which he was transferred to Regional Office, Kolkata. The Hon'ble CAT has stated in its Order that: "The issue in question is relating to the transfer of the applicant to Kolkata from Bangalore. It is a matter of fact that the applicant has been in Bangalore since May 2000 as admitted by him. He is at the level of a Group 'A' Officer liable for transfer anywhere in India. It is also true that earlier in his career, he has been transferred three time to New Delhi, Hyderabad and Chennai. However, the fact remains that for the last more than 18 years, he has been in Bangalore and as has been held in a catena of decisions upto the Hon'ble Apex Court, transfer is an incidence of service and the same can be challenged only in cases of proven malafide or violation of statutory provisions. Even though the applicant alleges several instances of favoritism, bias, etc, it is not for us to sit in judgement over the decision of the administrative authorities in terms of filling up of posts in various locations based on the requirements of the organization and that of the job. The applicant has also filed an MA seeking interrogatories relating to the transfer or otherwise of a large number of persons working in the Organisation including many who are at the lower levels. As has been held in a number of judgements even in the case of violation of guidelines in an organization, the same cannot give an enforceable right for the employee of the

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organization to challenge any transfer whatsoever. The respondents have also ordered several transfers around the same time at his level also and therefore we do not find any reason to appreciate the contentions made by the applicant. The OA is therefore dismissed".

The Directors / Incharge Officers of CSB Institutes and Head of various CSB Units are hereby requested to arrange for circulation of the same among all the Officers and Staff of their respective Institute / Units and to utilize the said judgement in case of any challenge made against transfer.

The said circular is also available on CSB Website under intranet login under "Downloads".

Yours faithfully,


[JULIAN TOBIAS] 3/5/19
JOINT DIRECTOR (ADMN.)

To

- 1) All the Directors / Incharge Officers of CSB Institutes
- 2) Unit Incharges
- 3) The Deputy Director (Computer) for uploading the said Circular in CSB Website and also to forward the Circular to all the CSB Units through e-mail.
- 4) PA to Member-Secretary, CSB.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

1 & 2nd Floors,
Sri Visvesvaraya Kendriya Bhawan,
Domlur, Next to CPWD Quarters
& Domlur Flyover,
Bangaluru- 560 071.

Dated:- **21 APR 2019**

ORIGINAL APPLICATION NO: 170/01623/2018

APPLICANT(S): Mr. N. Giridhar Srinivas.
V/s

RESPONDENT(S): The UOI W/o Textiles, New Delhi & Anr.

To

1. Sri M. L. Balaram Advocate
G.F, No. 30 & 31, HHS Complex,
Silk Exchange Building,
(Next to Halasuru Gate Police Station),
Cubbonpet Main Road,
Bangalore -560 002

2. ✓ Sri Vishnu Bhat Sr. Panel Counsel
No.24, 1st floor, 1st Main,
Seshadripuram,
Bangalore- 560 020.

Subject:- Forwarding of copies of the order passed by the
Central Administrative Tribunal, Bangalore.

A. Copy of the order dated 26-03-2019 passed by this
Tribunal in the above OA enclosed herewith for your information and further
necessary action.


SECTION OFFICER
Central Administrative Tribunal
Bangalore Bench, Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01623/2018

DATED THIS THE 26TH DAY OF MARCH, 2019

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Mr.N.Giridhar Srinivas
Assistant Director (Inspection)
Certification Centre
Central Silk Board, Bangalore
Residing at: No.10A, 2nd Main
6th Cross, Kumara Park West
Bangalore-560 020.

....Applicant

(By Advocate Shri M.L.Balaram)

Vs.

1. Union of India
Ministry of Textiles
New Delhi.
2. Central Silk Board
A Statutory Body
(Under Ministry of Textiles - Government of India)
CSB Complex, BTM Layout
Madiwala, Bangalore - 560 068
Represented by its
Chief Executive Officer & the Member Secretary
Mr.Rajit Ranjan Okhandiar.

.... Respondents

(By Advocates Sri Vishnu Bhat)

ORDER

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

The facts of the case as it appears from the contentions made in the OA and the reply statement are as follows:

The applicant is a Group-A Officer positioned as Assistant Director (Inspection)

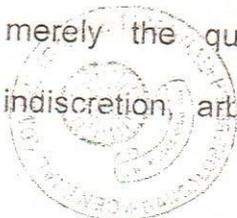


employed at the Certification Centre at the respondent Board at Bangalore and is currently assigned/deputed with 'Silk Mark Organisation of India'(SMOI) which is a registered society and is an initiative of the respondent Board and operates under it. He submits that he is originally recruited for Export Promotion Section(EPS) of the respondent Board since 1987 and he has already been transferred four times shuffling between the Central Office and the Central Silk Technological Research Institute(CSTRI) before finally being posted at SMOI. He submits that after put in 31 years of service with utmost integrity and hard work, he is transferred to Regional Office, Kolkata vide office order dtd.11.7.2018(Annexure-A1) which is most arbitrary and malicious in nature as there is no administrative or functional reason to justify the said transfer. He submitted representation dtd.11.7.2018(Annexure-A2) requesting to retain him at Bangalore. Finding no response, he submitted second representation dtd.31.7.2018(Annexure-A3) to which the respondent Board replied directing the applicant to report to his place of posting forthwith vide letter dtd.31.7.2018(Annexure-A4). Thereafter the applicant issued a legal notice dtd.6.8.2018(Annexure-A5) to the respondents seeking specific reasons to justify the transfer for which the respondents replied vide its reply dtd.20.8.2018(Annexure-A6) stating that the transfer is as per the administrative requirement and that such transfers are adjunct to the terms of service and therefore the applicant has to comply with it forthwith. In the meantime, the respondents have placed a transfer policy called 'Central Silk Board Transfer Policy, 2018' on its website(Annexure-A7) stating that till the said time(late August 2018), the respondent Board had not circulated any kind of transfer policy purportedly under which the applicant was suggested to be transferred.



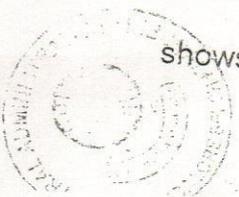
Applicant submits that the respondents Board vide its letter dtd.6.9.2018(Annexure-A8) forewarned the applicant of disciplinary action if he does not report to duty at Kolkata forthwith, knowing well of the fact that he was in the process of persuading the competent authority and also was exploring his legal remedies. The applicant again vide letter dtd.7.9.2018(Annexure-A9) repeated and reiterated his claim to the respondent Board along with another letter dtd.12.9.2018(Annexure-A10) as the respondents started threatening of disciplinary action against him if he did not join the duty immediately.

2. The applicant submits that he feels aggrieved that after being subjected to so many transfers in his career, he is sought to be transferred to Kolkata where his core competence and efficiency levels will be compromised substantially due to the fact that his job involves intense and personal interactions with the local people on the ground like farmers, sellers of the silk and consumers which requires basic understanding of the language and the local methods. To deliver socio-economic justice to the farmers and traders of silk who are largely poor and marginalised, the State has constituted Boards like the respondent Board which functions through the officers like the applicant and transfers like the impugned transfer adversely affects such larger objectives of the Board. The applicant sought information under RTI concerning his transfer(Annexure-A11) which was rejected by the Public Information Officer(PIO) stating that seeking transfer details of just 17 persons in the Board as omnibus. The applicant submits that there are instances where the PIO of the Board has provided details of many more employees, spanning into various other aspects than merely the question of transfer. This clearly evinces personal malice, indiscretion, arbitrariness and patent lack of compassion to a person and



transferring him to Kolkata where the market and the language are not known to him, would mean splitting his family into three units as his children are at Mumbai in concern to their academic and vocational careers while his wife is stationed at Bangalore who works with a Scheduled Bank and it will cause extreme damage to his family life at the stage and age of the applicant after having put in more than three decades of impeccable service. He requests that if there was a need of transfer, then the Board could have transferred him either to Mumbai or to Mysore as he expressed his keenness to be transferred either of the places, but the said request was turned down by the respondent Board.

3. The applicant submitted the details of some of the employees for whom the respondent Board has shown undue favouritism like creating post to accommodate the transfer of one employee, transferring a person to the place of his choice, facilitating the persons to retain at their place even though transferred etc., to cite how patently the respondent board defies all legal and administrative cause to accommodate mala fide transfers and transfers marred with personal considerations than by any factor of organisational objectives. There can be no policy to accommodate arbitrariness and mala fide, but the rule book is shown and is resorted to when officers like him seek a transfer or questions a transfer which are in consonance to the genuine interest of the organisation. He submits that he has had an exceptional career in the organisation and probably in almost all Sections/Divisions of the respondent board and that this arbitrary transfer will adversely affect his proficiency substantially but this reason was treated nonchalantly by the respondent Board and he was told that he can enjoy a period of relaxed stay at Kolkata which shows that the respondents does not have any real administrative objective



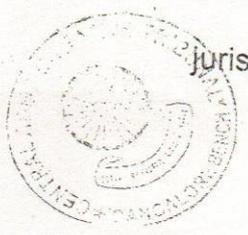
which is sought to be achieved by the transfer. The lack of universal application is extravagantly visible in wake of the fact that several officers, similarly placed in his cadre remain in the same chairs for the last 18-22 years. If the transfer policy cannot be applied universally, then it is incumbent on the respondent to explain the so-called public interest or administrative exigency manifest in the impugned transfer. Hence, he prays for quashing of the impugned order of transfer dtd.11.7.2018 and direction to the respondent Board to examine the prospect of transferring him either to Mumbai or Mysore, so that he can be better utilised for the larger interest of the respondent Board.

4. Per contra, the respondents have submitted in their reply statement that the Central Silk Board is a statutory body created by an Act of Parliament namely the Central Silk Board Act, 1948 and is functioning under the administrative control of Min. of Textiles. The Board follows all the service conditions as applicable to Central Govt. Employees to regulate the service conditions of the Employees of the Board. As such, the FRSR, CCS(Leave Rules), CCS(Conduct) Rules, CCS(CCA) Rules, CCS(Pension) Rules and other service rules of Govt. of India apply mutatis-mutandis to Central Silk Board Employees. The Central Silk Board has its own transfer policy for effective and optimum utilization of available manpower(Annexure-R1).

5. They submit that the applicant is working as an Assistant Director(Inspection) in the Central Silk Board, Bengaluru from the year 2000 continuously in different capacities. Earlier he had worked in Regional Office, Central Silk Board, Bangalore from 09.11.1987 to 29.06.1992 also. The post of Assistant Director (Inspection) is a Group-A post. As per the transfer policy of the respondent



Board, an officer of Group-A is liable to be transferred after completion of 10 years in a place as per the administrative requirement. The applicant herein has completed his tenure at Bangalore. Based on the recommendation of the Transfer Committee constituted for the purpose of recommendation of transfer of the employees of the Central Silk Board, the competent Authority issued an order of transfer dtd.11.7.2018 transferring 8 officers including the applicant working in the cadre of Assistant Direction(Inspection) to different places in the interest of Administration of Respondent Board. The representation submitted by the applicant requesting for retention at Bengaluru was duly considered by the competent authority and found that the request of the applicant could not be considered favourably and therefore the same was rejected vide letter dtd.31.7.2018. They submit that out of continuous service of 31 years, the applicant has worked in Bengaluru itself for about 23 years. And he has got no locus standi to question the competent authority as to what was the administrative exigency which forced the authority to order his transfer. In some decisions of the Hon'ble Apex Court and High Courts on transfer matters and also in OA.No.424/2017 of CAT, Mumbai Bench(Annexure-R2), it is held that the transfer is an incidence of service and a managerial function. An employee has no right to be posted at a particular place, if the post held by him is a transferable post. So long as the transfer policy is reasonable, fair and is applicable equally to all, it is not open to challenge. The Courts should not interfere with transfer orders which are made in public interest and for administrative reason unless they are made in violation of any mandatory statutory rule or they are tainted by vice of malafide or they are made without jurisdiction. Even where executive instructions are violated, Courts ordinarily



shall not interfere with the transfer orders. If a transfer of an employee results in any hardship to him, even then it is not a reason for the Courts to interfere and such employee has to approach higher ups in the administration seeking relief. The settled position in law is that an individual interest should yield to public interest. The respondents cited the observation of the Hon'ble Apex Court in its judgment dtd.23.3.2004 in the case of *State of UP & Others vs. Gobardhan Lal (Appeal(Civil) 408 of 2004)* to support their contention.

6. The respondents further submit that the applicant sought information under RTI vide application dtd.30.8.2018 which was vague and omnibus and does not serve any public interest, as such, he was given opportunity to personally inspect the relevant records pertaining to similar information on transfer matters but he did not turn up for personal inspection and instead kept remaining away from duty by submitting a series of leave applications citing various reasons. The applicant was just kept informed that failure to adhere to the instructions of the competent authority will be liable for disciplinary action. The statement of the applicant for threatening of disciplinary action is denied. And his contention that the transfer order is issued with malafide intention is his imagination and far from truth and baseless. Mere comparison of other cases is not sufficient to challenge the transfer order which is issued by the competent authority especially when there is no infringement of any career prospects or pay emoluments. The statement of the applicant that transfer will cause extreme damage to his family is not agreeable considering that the applicant has already spent 23 years in Bangalore and he is having two major sons aged 27 & 23 years and his wife is working in a Scheduled Bank at Bengaluru. Hence, the question of splitting his family into three units by way of transfer is denied. Therefore, the OA being



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devoid of merit is liable to be dismissed.

7. The applicant has filed rejoinder reiterating the submission already made in the OA and submits that the Respondent Board acts in complete contradiction to the directional policy statement of the Min. of Textiles just to suit certain individual interests. The Min. of Textiles issued directions to the respondent Board to cut down expenditure by merging units, downsizing etc. Regional office, Chennai was one such office to be disbanded and also Hyderabad where there were little or no silk activities. But the recent high ranking transfers in both places ensured that there is no work on the core principles and objectives of the Board and the talk of public interest and administrative reasons are just sham and presumptuous. The respondent Board is least concerned or interested in performing the core activities intended with its constitution and has become a dead organisation, catering to self-interest of certain vested interests and that the impugned transfer is the example of this indiscretion and malice. The respondents in their reply submitted that the applicant was in Bangalore for 23 years which is completely false as he was transferred to Delhi, Hyderabad and Chennai in the interregnum of the said 23 years. And he never sought for any cutting short of his posting period in these cities, it was the respondent Board's unilateral decision to shift him back and forth and therefore the respondent cannot blame it on him to suggest that the applicant was not willing to get transferred or was not willing to continue to finish his prescribed terms of stay in these places, where he was posted. On the question of the locus standi of the applicant, he submits that he has the legal locus to question and impugn the transfer order based on the fact that the impugned order has been passed bearing out of personal prejudice and malice. The judgments cited by the

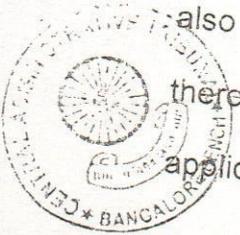


respondents serves the cause of the applicant as the transfer order is tainted by vice of mala fide. The applicant reiterates that the respondent Board threatened disciplinary action against him and this threat is now being carried out by denying his salary for the days he was on leave duly sought. The respondents has not replied to the essential averments of discrimination which the applicant had made and they do not present even one clarification as to why certain officers who were similarly placed as that of the applicant were not transferred despite the fact that they had continued to stay on in one place for almost two decades and more and had not seen a single transfer in their entire career. The respondents did not produce any document to evince the fact whether the impugned transfer was actually proposed by the Transfer Committee or not.

8. We have heard the Learned Counsel for both the parties and perused the materials placed on record in detail. Respondents filed reply to the interrogatories of the applicant. The issue in question is relating to the transfer of the applicant to Kolkata from Bangalore. It is a matter of fact that the applicant has been in Bangalore since May 2000 as admitted by him. He is at the level of a Group-A officer liable for transfer anywhere in India. It is also true that earlier in his career, he has been transferred three times to New Delhi, Hyderabad and Chennai. However, the fact remains that for the last more than 18 years, he has been in Bangalore and as has been held in a catena of decisions upto the Hon'ble Apex Court, transfer is an incidence of service and the same can be challenged only in cases of proven malafide or violation of statutory provisions. Even though the applicant alleges several instances of favouritism, bias etc., it is not for us to sit in judgment over the decision of the administrative authorities in terms of filling up of posts in various locations based on the requirements of the



organisation and that of the job. The applicant has also filed an MA seeking interrogatories relating to the transfer or otherwise of a large number of persons working in the organisation including many who are at the lower levels. As has been held in a number of judgments even in the case of violation of guidelines in an organisation, the same cannot give an enforceable right for the employee of the organisation to challenge any transfer whatsoever. The respondents have also ordered several transfers around the same time at his level also and therefore we do not find any reason to appreciate the contentions made by the applicant. The OA is therefore dismissed. No costs.



Sd-

(C.V.SANKAR)
MEMBER (A)

/ps/

Sd-

(DR.K.B.SURESH)
MEMBER (J)

TRUE COPY

(Signature)

SECTION OFFICER
Central Administrative Tribunal
Bangalore Bench, Bangalore

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Annexures referred to by the applicant in OA.No.170/01623/2018

- Annexure-A1: Original of the 'Office Order' Dt. July 11 2018, bearing Ref No. CSB-48(30)/2018-ES.I of the respondent Board, transferring the applicant from the 'Certification Centre' Bangalore to Kolkata
- Annexure-A2: Office fopy of the first representation dt. July 11, 2018, of the applicant to the respondent explaining that this transfer would be detrimental to the applicant
- Annexure-A3: Office copy of the second representation of the applicant to the respondent Board vide his letter dt. July 31, 2018
- Annexure-A4: Letter Dt. July 31, 2018 of the respondent Board to the applicant, in response to the first representation of the applicant
- Annexure-A5: Office copy of the legal notice dt. August 6, 2018 issued by the applicant to the respondent board
- Annexure-A6: The respondent's reply dt. August 20, 2018 to the legal notice of the applicant
- Annexure-A7: Print-out of the "transfer policy" of the respondent Board from its website, posted/circulated post the impugned transfer order of the respondent Board
- Annexure-A8: Letter/intimation dt. September 6, 2018 of the respondent forewarning the applicant of disciplinary action, if the applicant does not join the duty at Kolkata
- Annexure-A9: Office copy of the letter of the applicant dt. September 7, 2018 to the respondent
- Annexure A10: Off