

The State of Karnataka and ors. Vs. K.C. Krishnegowda

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Court : Karnataka

Decided On : Jul-03-2006

Reported in : 2006(6)KarLJ159

Judge : V. Gopala Gowda and ;C.R. Kumaraswamy, JJ.

Appeal No. : Writ Petition No. 8638/2006

Appellant : The State of Karnataka and ors.

Respondent : K.C. Krishnegowda

Advocate for Pet/Ap. : N. Dinesh Rao, Govt. Adv.

Disposition : Petition dismissed

Judgement :

ORDER

V. Gopala Gowda, J.

1. The respondent herein is an Engineer of Public Works Department. By notification dated 24.2.2004 his services were placed at the disposal of Cauvery Neeravari Nigam Limited. The Managing Director of the said Nigam by Official Memorandum dated 27.2.2004 posted the first respondent as Asst. Executive Engineer, Quality Control Sub-Division in Mysore and he reported there. By Notification dated 30.6.2005 the Water Resources Department of Government of

Karnataka transferred him to Harangi Right Bank Canal Sub-Division, Kittur. The same was questioned by the respondent before the Karnataka Administrative Tribunal in Application No. 4927/2005. By the impugned order at Annexure-A dated 23.12.2005 the Tribunal allowed the Application, set aside the transfer order and directed to continue the respondent herein in the same post in which he was working prior to his transfer. Questioning the legality and correctness of the same, the State and the Officers of Cauvery Neeravari Nigam have filed this writ petition praying to quash the impugned order.

2. The impugned order is challenged after a lapse of six months. The main contention of the petitioners is that the respondent being a Group-A officer and Cauvery Neeravari Nigam Limited being a company which is under the control of the State Government, the State Government is the competent authority to transfer the respondent and the transfer order was in public interest. The Tribunal considered this contention and held that placement of even officers borrowed on deputation will be made by the Managing Director of the Company, who is the Chief Executive. It is also held that Managing Director has the full power and authority to make changes in placements and therefore, the State Government having lent the services of the respondent to the Company, should not have posted him directly to Harangi Right Bank Canal Sub-Division. The conclusion arrived at by the Tribunal cannot be said wrong. The Government having lent the services of respondent to the Company, should have withdrawn it and then posted him to any place. It cannot transfer the respondent directly. That is what precisely pointed-out by the Tribunal in the impugned order. We are in full agreement with the same and therefore we decline to interfere in the matter.

3. Writ Petition stands dismissed.