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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 2541/2002

This the 20th day of May, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Prahlad Ram Meena  
son of Sh. Ram Kishan Meena  
Resident of C 5B, Radio Colony,  
Kingsway Camp, Delhi.

Working as Assistant Director (Engineering)  
Office of the Chief Engineer (North Zone)  
AIR and Doordarshan  
Jannagar House, Shahjahan Road,  
New Delhi.

(By Advocate: Sh. Jitendra Tomar and  
Sh. Vipin Singhania)

Versus

1. Union of India (through Secretary,  
Ministry of Information and Broadcasting)  
Shastri Bhawan, New Delhi.
2. Director General,  
All India Radio (A.I.R.)  
Akashwani Bhawan  
Parliament Street,  
New Delhi-110001.

(By Advocate: Sh. M.M. Sudan)

ORDER (ORAL)

Applicant in this case has assailed his transfer on promotion vide Annexure-A which shows that applicant who was working as Junior Time Scale of Indian Broadcasting (Engineers) Service was promoted on ad hoc basis for a period of one year to the Senior Time Scale of Indian Broadcasting (Engineers) Service. On promotion the applicant was posted from New Delhi to Rajkot.

2. Applicant submits that he has been making representations for being accommodated in the same station as the same has been done in case of candidates appearing at Sl. No.3,4,6 to 11 and 13 to 19 etc. Applicant submits that he has been subjected to hostile discrimination as it is he who has been posted to a different station. Applicant also submits that

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since he belongs to a reserved category he has been subjected to transfer from one section to another twice in 2 years and now he is being transferred outside Delhi. He has also stated to have been reported the matter to Chairman, National Commission for SC/ST and made various representations that he should be transferred either to Jaipur or Bhilwara or Kota etc.

3. Respondents are contesting the OA. Respondents in their counter affidavit pleaded that no discrimination has been made with him. Promotion to STS are made on the basis of seniority and fitness, as per Recruitment Rules. Posting on promotion of the applicant was in public interest and not due to any malafide and no evidence has been produced by the applicant to prove any malafide. Hence, Tribunal should not interfere in the transfer as held by Hon'ble Supreme Court. It is further stated that the competent authority has rejected his request due to urgent need of Senior Engineers at Rajkot. It is further submitted that the transfer policy provides for the normal tenure for various places. The purposes of tenure are only for the normal circumstances and there is no bar for transferring any officer from one Station to the other before completion of the tenure.

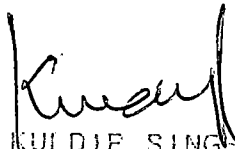
4. I have heard the counsel for the parties and gone through the record.

5. The perusal of the OA itself go to show that the applicant has levelled certain general type of allegations but the fact remains that this transfer order which is Annexure-A goes to show that vide this order 77 officers were promoted and most of them have been posted to various other stations from their original place of posting. Though some of them have been

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retained at their original place of posting but that itself do not show, if any discrimination is being made with the applicant or the applicant is being made to suffer any hostile treatment. There is no iota of evidence to show that this order of transfer is a mala fide exercise on the part of the respondents on promotion of applicant. However, some of the officers have been retained at the same station but majority of the officers have been sent to other stations from the original place of posting. As it is well known that transfer is a incidence of service and when the applicant has a liability of all India transfer, he cannot refuse to obey the same nor he can ask for choice of the place of posting and it is for the management to see to it how far they can best utilise the services of an officer though it is true that some of the officers have been retained at the original place of posting and the applicant had also a representation that he cannot be retained at the original place of posting and he can be given place of posting when he ask for posting at DDK, Jaipur, AIR Jaipur, DMC Bhilwara, KMC, Kota or AIR, Kota which representation seems to be still pending.

6. In view of these circumstances, I find that OA has no merits and has to be dismissed. However, in view of the fact that applicant has given a wider choice of place of posting. Respondents should consider if the applicant can be accommodated at the places as per his representation. No costs.

  
( KULDIP SINGH )  
Member (J)

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